This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

SIGILLVM · VNIVERSITATIS · CALIFORNIENSIS
MDCCCLXVIII
LUX
FIAT
EX LIBRIS

SOCIAL STATICS

TOGETHER WITH

MAN VERSUS THE STATE

SOCIAL STATICS

TOGETHER WITH

MAN VERSUS THE STATE

BY

HERBERT SPENCER

NEW YORK AND LONDON
D. APPLETON AND COMPANY
1910

COPYRIGHT, 1892,
BY D. APPLETON AND COMPANY.

SOCIAL STATICS

ABRIDGED AND REVISED.

OF THE UNIVERSITY OF CALIFORNIA

PREFACE.

PUBLISHED in December, 1850, this work in its original form was entitled *Social Statics: or, the Conditions essential to Human Happiness specified, and the first of them developed.* A number of years passed—some ten, I think—before the edition was exhausted; and as the demand seemed not great enough to warrant the setting up of type for a new edition, it was decided to import an edition from America, where the work had been stereotyped. After this had been disposed of a third edition was similarly imported.

In the meantime I had relinquished some of the conclusions drawn from the first principle laid down. Further, though still adhering to this first principle, one of the bases assigned for it had been given up by me. To the successive editions I therefore prefixed the statement that some of the doctrines set forth needed qualification; but excused myself from making the changes called for, because they could not be made without suspending more important work. Eventually, it became manifest that the warning given did not prevent misinterpretations of my later beliefs; and, therefore, ten years ago, after all copies of the third edition had been sold, I resolved not again to import a supply to meet the still-continued demand.

As, however, the fundamental idea enunciated, and many of the deductions have survived in me, I have all along intended that these should be put in a permanently accessible form; and in 1890 at leisure times I went through the work, erasing some portions, abridging others, and subjecting the whole to a careful verbal revision. Its purely systematic division is now replaced by Part IV. of *The Principles of Ethics: Justice*—a part in which the ethical doctrine originally set

forth in an imperfect form, is freed from its crudities and made scientifically coherent. But *Justice* contains neither the discussions which, in *Social Statics*, preceded the constructive division, nor the series of chapters in which, towards the close, the political implications were pointed out. Both of these portions seem worth preserving.

I am desirous of preserving also certain passages containing ideas, and the germs of ideas, which, since 1850, have undergone large developments. These have a certain biographio-historical interest, as indicating stages of growth in thoughts. The more significant of them will be found on p. 32, pp. 33–35, pp. 121–22, pp. 149–50, pp. 180–81, pp. 203–6, p. 245, pp. 249–51, pp. 267–70.

In the latter part of the work, numerous references are made to the events of the day and to institutions existing when it was written. During the forty years which have since passed, social changes have diminished or destroyed the relevancy of some of these references. It has seemed best, however, to leave them as they were; partly because the arguments remain equally valid though their data are altered; partly because substituting other illustrations would entail on me more labour than I can now afford; and partly because, even were the illustrations brought up to date, lapse of years would soon make them out of date.

My first intention was to call this volume, or rather part of a volume, "Fragments from Social Statics," and afterwards, "Selections from Social Statics." Both of these titles, however, seemed to indicate a much less coherent assemblage of parts than it contains. On the other hand, to call it an abridgment is somewhat misleading; since the word fails to imply that large and constructively-important parts are omitted. No title, however, appears appropriate; and I have at length decided that *Social Statics, abridged and revised*, is the least inappropriate.

LONDON, *January*, 1892.

CONTENTS.

	PAGE
HAPPINESS AS AN IMMEDIATE AIM	7
UNGUIDED EXPEDIENCY	11
THE MORAL-SENSE DOCTRINE	15
WHAT IS MORALITY?	25
THE EVANESCENCE [? DIMINUTION] OF EVIL	28
GREATEST HAPPINESS MUST BE SOUGHT *INDIRECTLY*	33
DERIVATION OF A FIRST PRINCIPLE	36
SECONDARY DERIVATION OF A FIRST PRINCIPLE	46
FIRST PRINCIPLE	55
APPLICATION OF THIS FIRST PRINCIPLE	60
THE RIGHT OF PROPERTY	62
SOCIALISM	65
THE RIGHT OF PROPERTY IN IDEAS	68
THE RIGHTS OF WOMEN	73
THE RIGHTS OF CHILDREN	80
POLITICAL RIGHTS	91
THE CONSTITUTION OF THE STATE	95
THE DUTY OF THE STATE	109
THE LIMIT OF STATE-DUTY	121
THE REGULATION OF COMMERCE	137
RELIGIOUS ESTABLISHMENTS	141
POOR-LAWS	144
NATIONAL EDUCATION	156
GOVERNMENT COLONIZATION	188
SANITARY SUPERVISION	200
CURRENCY, POSTAL ARRANGEMENTS, ETC.	221
GENERAL CONSIDERATIONS	233

HAPPINESS AS AN IMMEDIATE AIM.

Assuming it to be in other respects satisfactory, a rule, principle, or axiom, is valuable only in so far as the words in which it is expressed have definite meanings. We must therefore take it for granted that when he announced "the greatest happiness of the greatest number," or otherwise "the greatest happiness," as the canon of social morality, its originator supposed mankind to be unanimous in their conception of "greatest happiness."

This was an unfortunate assumption, for the standard of happiness is infinitely variable. In all ages—amongst every people—by each class—do we find different notions of it entertained. To the wandering gipsy a home is tiresome; whilst a Swiss is miserable without one. The heaven of the Hebrew is "a city of gold and precious stones, with a supernatural abundance of corn and wine;" that of the Turk—a harem peopled by houris; that of the American Indian—a "happy hunting-ground." In the Norse paradise there were to be daily battles, with magical healing of wounds; while the Australian hopes that after death he shall "jump up a white fellow, and have plenty of sixpences." Descending to individual instances, we find Louis XVI. interpreting "greatest happiness" to mean—making locks; instead of which his successor read—making empires. To a miserly Elwes the hoarding of money was the only enjoyment of life; but Day, the philanthropic author of "Sandford and Merton," could find no pleasurable employment save in its distribution. The

ambitions of the tradesman and the artist are anything but alike; and could we compare the air castles of the ploughman and the philosopher, we should find them of widely-different styles of architecture.

Generalizing such facts, we see that the idea of "greatest happiness" is as variable as the other elements of human nature. Between nations the differences of opinion are conspicuous enough. On contrasting the Hebrew patriarchs with their existing descendants, we observe that even in the same race the beau ideal of existence changes. The members of each community disagree upon the question. Neither, if we compare the wishes of the gluttonous schoolboy with those of the earth-scorning transcendentalist into whom he may afterwards grow, do we find any constancy in the individual.

The rationale of this is simple enough. Happiness signifies a gratified state of all the faculties. The gratification of a faculty is produced by its exercise. To be agreeable that exercise must be proportionate to the power of the faculty: if it is insufficient discontent arises, and its excess produces weariness. Hence, to have complete felicity is to have all the faculties exerted in the ratio of the several developments; and an ideal arrangement of circumstances calculated to secure this constitutes the standard of "greatest happiness." But the minds of no two individuals contain the same combination of elements. There is in each a different balance of desires. Therefore the conditions adapted for the highest enjoyment of one, would not perfectly compass the same end for any other. And, consequently, the notion of happiness must vary with the disposition and character; that is, must vary indefinitely.

The allegation that these are hypercritical objections, and that for all practical purposes we agree sufficiently well as to what "greatest happiness" means, will possibly be made by some. This allegation is easily disposed of; for there are plenty of questions practical enough to satisfy such cavillers,

about which men exhibit none of this assumed unanimity. For example:—

— What is the ratio between the mental and bodily enjoyments constituting "greatest happiness"? There is a point up to which increase of mental activity produces increase of happiness; but beyond which, it produces in the end more pain than pleasure. Where is that point? Some appear to think that intellectual culture and the gratifications deriveable from it can hardly be carried too far. Others maintain that already among the educated classes mental excitements are taken in excess; and that were more time given to physical activities, a larger amount of enjoyment would be obtained. If "greatest happiness" is to be the rule, it becomes needful to decide which of these opinions is correct; and, further, to determine the boundary between the use and abuse of every faculty.

— Which is most truly an element in the desired felicity, content or aspiration? The generality assume that, as a matter of course, content is. There are others, however, who hold that but for discontent we should have been still savages. It is in their eyes the greatest incentive to progress. Nay, they maintain that were content the order of the day, society would even now begin to decay. It is required to reconcile these contradictory theories.

— And this synonym for "greatest happiness"—this "utility"—what shall be comprised under it? The million would confine it to the things which directly or indirectly minister to the bodily wants, and in the words of the adage "help to get something to put in the pot." Others there are who think mental culture useful in itself, irrespective of so-called practical results, and would therefore teach astronomy, geology, anatomy, ethnology, &c., together with logic and metaphysics. Unlike some of the Roman writers who held practice of the fine arts to be vicious, there are now many who suppose utility to comprehend poetry, painting, sculpture, and whatever aids the refinement of the taste. While

an extreme party maintains that music, dancing, the drama, and what are commonly called amusements, are equally worthy to be included. In place of all which discordance we ought to have agreement.

— Whether shall we adopt the theory of some that felicity means the greatest possible enjoyment of this life's pleasures, or that of others, that it consists in anticipating the pleasures of a life to come? And if we compromise the matter, and say it should combine both, how much of each shall go to its composition?

— Or what must we think of this wealth-seeking age of ours? Shall we consider the total absorption of time and energy in business—the spending of life in the accumulation of the means to live, as constituting "greatest happiness," and act accordingly? Or how shall we hold that this is to be regarded as the voracity of a larva assimilating material for the development of the future psyche?

Not only, therefore, is an agreement as to the meaning of "greatest happiness" theoretically impossible, but it is also manifest that men are at issue upon all topics which, for their determination, require defined notions of it. So that in directing us to this "greatest happiness of the greatest number," as the object towards which we should steer, our pilot "keeps the word of promise to our ear and breaks it to our hope." What he shows us through his telescope is a *fata morgana*, and not the promised land. The real haven sought dips far down below the horizon, and has yet been seen by none. Faith not sight must be our guide. We cannot do without a compass.

UNGUIDED EXPEDIENCY.

EVEN were the fundamental proposition of the expediency system not thus vitiated by the indefiniteness of its terms, it would still be vulnerable. Granting for the sake of argument, that the desideratum, "greatest happiness," is duly comprehended, its identity and nature agreed upon by all, and the direction in which it lies satisfactorily settled, there yet remains the unwarranted assumption that it is possible to determine empirically by what methods it may be achieved. Experience daily proves that an uncertainty like that which exists respecting the specific ends to be obtained, exists respecting the right mode of attaining them when supposed to be known. Let us look at a few cases.

When it was enacted in Bavaria that no marriage should be allowed between those without capital, unless certain authorities could "see a reasonable prospect of the parties being able to provide for their children," it was intended to advance the public weal by checking improvident unions, and redundant population: a purpose most politicians will consider praiseworthy, and a provision which many will think well adapted to secure it. Nevertheless this apparently sagacious measure has by no means answered its end. In Munich, the capital of the kingdom, half the births are illegitimate!

Those too were admirable motives, and cogent reasons, which led our Government to establish an armed force on the coast of Africa for the suppression of the slave trade. What

could be more essential to the "greatest happiness" than the annihilation of the abominable traffic? And how could forty ships of war, supported by an expenditure of £700,000 a year, fail to accomplish this? The results have, however, been anything but satisfactory. When the abolitionists of England advocated it, they little thought that such a measure instead of preventing would only "aggravate the horrors, without sensibly mitigating the extent of the traffic;" that it would generate fast-sailing slavers with decks one foot six inches apart, suffocation from close packing, miserable diseases, and a mortality of thirty-five per cent. They dreamed not that when hard pressed a slaver might throw a whole cargo of 500 negroes into the sea; nor that on a blockaded coast the disappointed chiefs would, as at Gallinas, put to death 200 men and women, and stick their heads on poles along shore, in sight of the squadron.* In short, they never anticipated having to plead, as they now do, for the abandonment of coercion.

The Spitalfields weavers afford us another case in point. No doubt the temptation which led them to obtain the Act of 1773, fixing a minimum of wages, was a strong one; and the anticipations of greater comfort to be secured by its enforcement must have seemed reasonable enough to all. Unfortunately, however, the weavers did not consider the consequences of being interdicted from working at reduced rates; and little expected that before 1793, some 4000 looms would be brought to a stand in consequence of the trade going elsewhere.

To mitigate distress having appeared needful for the production of the "greatest happiness," the English people have sanctioned upwards of one hundred Acts of Parliament having this end in view; each of them arising out of the failure or incompleteness of Acts previously passed. Men are never-

* See Anti-Slavery Society's Report for 1847; and Evidence before Parliamentary Committee, 1848.

theless still discontented with the Poor Laws, and we are seemingly as far as ever from satisfactory settlement of them.

But why cite individual cases? Does not the experience of all nations testify to the futility of these empirical attempts at the acquisition of happiness? What is the statute-book but a record of such unhappy guesses? or history but a narrative of their unsuccessful issues? And what forwarder are we now? Is not our Government as busy still as though the work of law-making commenced but yesterday? Nearly every parliamentary proceeding is a tacit confession of incompetence. There is scarcely a bill introduced but is entitled "An Act to amend an Act." The "Whereas" of almost every preamble heralds an account of the miscarriage of previous legislation.

The expediency-philosophy, however, ignores this world full of facts. Though men have so constantly been balked in their attempts to secure, by legislation, any desired constituent of that complex whole, "greatest happiness," it continues to place confidence in the unaided judgments of statesmen. It asks no guide; it possesses no eclectic principle; but it assumes that after an inspection of the aggregate phenomena of national life, governments are qualified to devise such measures as shall be "expedient." It considers the interpretation of human nature so easy, the constitution of the social organism so simple, the causes of a people's conduct so obvious, that a general inspection can give to "collective wisdom" the insight requisite for law-making.

If, without any previous investigation of the properties of terrestrial matter, Newton had proceeded at once to study the dynamics of the solar system, and after years spent in contemplation of it and in setting down the distances, sizes, times of revolution, inclinations of axes, forms of orbits, perturbations, &c., of its component bodies, had set himself to digest this accumulated mass of observations, and to educe a physical interpretation of planetary motions, he might have cogitated to all eternity without arriving at the truth.

But futile as such a method of research would have been, it would have been less futile than the attempt to find out the principles of public polity, by an unguided examination of that intricate combination—society. Considering that men as yet so imperfectly understand *man*—the instrument by which, and the material on which, laws are to act—and that a knowledge of the unit—*man*, is but a first step to the comprehension of the mass—*society*, it seems obvious that to educe from the complicated phenomena presented by humanity at large, a true philosophy of social life, and to found thereon a code of rules for the obtainment of "greatest happiness" is a task beyond the ability of any finite mind.

THE MORAL-SENSE DOCTRINE.

Had we no other inducement to eat than that arising from the prospect of certain advantages to be thereby obtained, it is scarcely probable that our bodies would be so well cared for as now. One can quite imagine that were we deprived of that punctual monitor—appetite, and left to the guidance of some reasoned code of rules, such rules, were they never so philosophical, and the benefits of obeying them never so obvious, would form but a very inefficient substitute. Or, instead of that powerful affection by which men are led to nourish and protect their offspring, did there exist merely an abstract opinion that it is proper or necessary to maintain the population of the globe, it is questionable whether the annoyance, anxiety, and expense, of providing for a posterity, would not so far exceed the anticipated good, as to involve a rapid extinction of the species. And if, in addition to these needs of the body and of the race, all other requirements of our nature were similarly consigned to the sole care of the intellect—were knowledge, property, freedom, reputation, friends, sought only at its dictation—then would our investigations be so perpetual, our estimates so complex, our decisions so difficult, that life would be wholly occupied in the collection of evidence and the balancing of probabilities. Under such an arrangement the utilitarian philosophy would indeed have strong argument in nature; for it would be simply applying to society, that system of governance by appeal to calculated final results, which already ruled the individual.

Quite different, however, is the method of nature. Answering to each of the actions which it is requisite for us to perform, we find in ourselves some prompter called a desire; and the more essential the action, the more powerful is the impulse to its performance, and the more intense the gratification derived therefrom. Thus, the longings for food, for sleep, for warmth, are irresistible; and quite independent of foreseen advantages. The continuance of the race is secured by others equally strong, whose dictates are followed, not in obedience to reason, but often in defiance of it. That men are not impelled to accumulate the means of subsistence solely by a view to consequences, is proved by the existence of misers, in whom the love of acquirement is gratified to the neglect of the ends to be subserved.

May we not then reasonably expect to find kindred instrumentalities prompting the conduct called moral? All must admit that we are guided to our bodily welfare by instincts; that from instincts also, spring those domestic relationships by which other important objects are compassed; and that certain prompters called sentiments secure our indirect benefit, by regulating social intercourse Is it not then probable that a like mental mechanism is at work throughout; and that upright conduct in each being necessary to the happiness of all, there exists in us an impulse towards such conduct; or, in other words, that we possess a "Moral Sense"?

In bar of this conclusion it is urged, that did there exist such an agency, men would exhibit a more manifest obedience to its supposed dictates than they do. There would be a greater uniformity of opinion as to the rightness or wrongness of actions; and we should not, as now, find one man, or nation, considering as a virtue, what another regards as a vice—a Thug regarding as a religious act, that assassination at which a European shudders—an Egyptian piquing himself on his successful lying—a red Indian on his undying revenge.

Overwhelming as this objection appears, it may be met thus:—None deny the universal existence of that instinct already adverted to, which urges us to take the food needful to support life; and none deny that such instinct is highly beneficial, and in all likelihood essential to being. Nevertheless there are not wanting infinite evils and incongruities, arising out of its rule. All know that appetite does not invariably guide men aright in the choice of food, either as to quality or quantity. Neither can any maintain that its dictates are uniform in different persons and peoples. Like irregularities may be found in the working of parental affection. Among ourselves, its beneficial sway is tolerably regular. In many places, however, infanticide is practised now as it ever has been. During early European times, it was common to expose babes to the tender mercies of wild beasts. And it was the Spartan practice to cast all the newly-born who were not approved by a committee of old men, into a public pit provided for the purpose. If, then, it be argued that the want of uniformity in men's moral codes, together with the weakness and partiality of their influence, prove the non-existence of a sentiment prompting right actions, it must be inferred from analogous irregularities in men's conduct as to food and offspring, that there are no such feelings as appetite and parental affection. As, however, we do not draw this inference in the one case, we cannot do so in the other.

That we possess something which may not improperly be called a moral sense, may be best proved by evidence drawn from the lips of those who assert that we have it not. Bentham unwittingly derives his initial proposition from an oracle whose existence he denies. "One man," he remarks, speaking of Shaftesbury, "says he has a thing made on purpose to tell him what is right and what is wrong; and that it is called a *moral sense:* and then he goes to work at his ease, and says such and such a thing is right, and such and such

a thing is wrong. Why? 'because my moral sense tells me it is.' " Now that Bentham should have no other authority for his own maxim, is somewhat unfortunate for him. Yet, on putting that maxim into critical hands, we shall soon discover such to be the fact. Let us do this.

"And so you think," says the patrician, "that the object of our rule should be 'the greatest happiness of the greatest number?'"

"Such is our opinion," answers the petitioning plebeian.

"Well now, let us see what your principle involves. Suppose men to be, as they commonly are, at variance in their desires on some point; and suppose that those forming the larger party will receive a certain amount of happiness each, from the adoption of one course, whilst those forming the smaller party will receive the same amount of happiness each, from the adoption of the opposite course; then if 'greatest happiness' is to be our guide, it must follow, must it not, that the larger party ought to have their way?"

"Certainly."

"That is to say, if those who want what you do are a hundred, whilst those who want what I do are ninety-nine, your happiness must be preferred, should the individual amounts of gratification at stake on the two sides be equal."

"Exactly; our axiom involves that."

"So then it seems that as, in such a case, you decide between the two parties by numerical majority, you assume that the happiness of a member of the one party, is equally important with that of a member of the other."

"Of course."

"Wherefore, if reduced to its simplest form, your doctrine turns out to be the assertion, that all men have equal claims to happiness; or, applying it personally—that you have as good a right to happiness as I have."

"No doubt I have."

"And pray, sir, who told you that you have as good a right to happiness as I have?"

"Who told me?—I am sure of it; it is a manifest truth; I——"

"Nay, nay, that will not do. Give me your authority."

Whereupon, our petitioner is forced to confess, that he has no other authority but his own feeling—that he has simply an innate perception of the fact; or, in other words, that "his moral sense tells him so."

Whether it rightly tells him so, need not now be considered. All that demands present notice is the fact that, when cross-examined, even the disciples of Bentham have no alternative but to fall back on an intuition of this derided "moral sense," for the foundation of their own system.

But how, it may be asked, can a sentiment have a perception? how can an emotion give rise to a moral *sense?*

The objection seems a serious one; and were the term *sense* to be understood in its strict acceptation, would be fatal. But the word is in this case, as in many others, used to express that liking or aversion with which an emotional faculty comes to regard the deeds and objects it is related to; or rather that judgment which it causes the intellect to form of them. To elucidate this we must take an example.

Joined with the impulse to acquire property, there is what we call a *sense* of the value of property; and we find the vividness of this sense to vary with the strength of the impulse. Contrast the miser and the spendthrift. Accompanying his desire to heap up, the miser has a peculiar belief in the worth of money. The most stringent economy he thinks *virtuous;* and anything like ordinary liberality *vicious;* while of extravagance he has an absolute horror. Whatever adds to his store seems to him *good:* whatever takes from it, *bad.* And should a passing gleam of generosity lead him to

open his purse, he is pretty sure afterwards to reproach himself with having done *wrong*. Conversely, while the spendthrift is deficient in the instinct of acquisition, he also fails to realize the value of property; he has little *sense* of it. Hence, under the influence of other feelings, he regards saving habits as *mean;* and holds that there is something *noble* in profuseness. Now it is clear that these opposite *perceptions* of the propriety or impropriety of certain lines of conduct, do not originate with the intellect, but with the emotional faculties. The intellect, uninfluenced by desire, would show both miser and spendthrift that their habits were unwise; whereas the intellect, influenced by desire, makes each think the other a fool, but does not enable him to see his own folly.

This connexion is general. Every feeling is accompanied by a *sense* of the rightness of those actions which give it gratification—tends to generate convictions that things are good or bad, according as they bring to it pleasure or pain; and would always generate such convictions, were it unopposed. As, however, there are conflicts among the feelings, there results a proportionate incongruity in the beliefs—a similar conflict amongst these also. So that it is only where a desire is very predominant, or where no adverse desire exists, that this connexion between the instincts and the opinions they dictate, becomes distinctly visible.

Applied to the elucidation of the case in hand, these facts explain how from an *impulse* to behave in the way we call equitable, there will arise a *perception* that such behaviour is proper—a *conviction* that it is good. This instinct or sentiment, being gratified by a just action and distressed by an unjust action, produces in us an approbation of the one and a disgust towards the other; and these readily beget beliefs that the one is virtuous and the other vicious. Or, referring again to the illustration, we may say that as the desire to accumulate property is accompanied by a *sense* of the value

of property, so the desire to act fairly is accompanied by a *sense* of what is fair.

It will perhaps be needful here to meet the objection that whereas, according to the foregoing statement, each feeling tends to generate notions of the rightness or wrongness of actions towards which it is related; and whereas morality should determine what is right throughout conduct at large, it is improper to confine the term "moral sense" to that which can afford directions in only one department. This is true. Nevertheless, seeing that our behaviour towards one another is the most important part of our behaviour, and that in which we are most prone to err; seeing, also, that this same faculty is so purely and immediately moral in its function; we may with some show of reason continue to employ that term with this restricted meaning.

Still it may be again urged that the alleged monitor is a worthless guide, because its dictates are unlike in different times and places.

To this the reply is, as before, that if such a guide is unfit, because its dictates are variable, then must Expediency also be rejected for the same reason. If Bentham is right in condemning Moral Sense, as an "anarchical and capricious principle, founded solely upon internal and peculiar feelings," then is his own maxim doubly fallacious. Is not the idea "greatest happiness," a capricious one? Is not that also "founded solely upon internal and peculiar feelings?" (See page 7.) And even were the idea "greatest happiness" alike in all, would not his principle be still "anarchical," in virtue of the countless disagreements as to the means of achieving this "greatest happiness?" All utilitarian philosophies are liable to this charge of indefiniteness, for there ever recurs the same unsettled question—what is utility?—a question which, as every newspaper shows us, gives rise to endless disputes, both as to the goodness of each desired end and the efficiency of every proposed means. At the worst, therefore,

in so far as want of scientific precision is concerned, a philosophy founded on Moral Sense, simply stands in the same category with all other known systems.

But happily there is an alternative. The force of the objection above set forth may be fully admitted, without in any degree invalidating the theory.

The error pointed out is not one of doctrine but of application. Those who committed it did not start from a wrong principle, but rather missed the right way from that principle to the sought-for conclusions. It was not in the oracle to which they appealed, but in their method of interpretation, that the writers of the Shaftesbury school erred. Confounding the functions of feeling and reason, they required a sentiment to do that which should have been left to the intellect. They were right in believing that there exists some governing instinct generating in us an approval of certain actions we call *good*, and a repugnance to certain others we call *bad*. But they were not right in assuming such instinct to be capable of intuitively solving every ethical problem submitted to it.

For the better explanation of this point, let us take an analogy from mathematics. The human mind takes cognizance of measurable quantity by a faculty which, to carry out the analogy, let us term a *geometric sense*. By the help of this we estimate the linear dimensions, surfaces, and bulks of surrounding objects, and form ideas of their relations to one another. But, in many cases, we find that little reliance can be placed on the unaided decisions of this geometric sense: its dicta are variable. On comparing notes, however, we discover that there are certain simple propositions upon which we all think alike, such as—"Things which are equal to the same thing are equal to one another;" —"The whole is greater than its part;" and, agreeing upon these *axioms*, as we call them, we find it possible by successive deductions to settle all disputed points, and to solve

complicated problems with certainty.* Now if, instead of adopting this method, geometricians had persisted in determining all questions concerning lines, angles, squares, circles, and the like, by the geometric sense—if they had tried to discover whether the three angles of a triangle are, or are not, equal to two right angles, and whether the areas of similiar polygons are, or are not, in the duplicate ratio of their homologous sides, by an effort of simple perception, they would have made the same mistake that moralists make, who try to solve all the problems of morality by the moral sense.

The reader will at once perceive the conclusion towards which this analogy points; namely, that as it is the office of the geometric sense to originate a geometric axiom, so it is the office of the moral sense to originate a moral axiom, from which reason may devolop a systematic morality.

And, varying the illustration, it may be further remarked that just as erroneous notions in mechanics—for instance, that large bodies fall faster than small ones, that water rises in a pump by suction, that perpetual motion is possible—formed by unaided *mechanical sense*, are set aside by the conclusions deduced from those primary laws of matter which the mechanical sense recognizes; so may we expect the multitudes of conflicting beliefs about human duty dictated by unaided *moral sense*, to disappear before the deductions scientifically drawn from some primary law of man which the moral sense recognizes.

[NOTE.—It should be remarked that though in this chapter there is recognition of the truth that the judgments of the moral sense are variable, the recognition is not adequate. The facts that some races of men appear to have no consciences at all and that in other races of men

* Whether we adopt the views of Locke or of Kant as to the ultimate nature of what is here, for analogy's sake, called the geometric sense, does not affect the question. However originated, the fundamental perceptions attaching to it form the undecomposable bases of exact science. And this is all that is now assumed.

conscience gives verdicts quite unlike, and sometimes opposite to, the verdicts it gives among ourselves, are not even hinted. The evidences of this were not at that time before me. To prevent misapprehension it may be well here to say that the foregoing views concerning the moral sense are applicable only to races which have been long subject to certain kinds of discipline.]

WHAT IS MORALITY?

It is manifest that the moral law must be the law of the perfect man—the law in obedience to which perfection consists. There are but two propositions for us to choose between. It may either be asserted that morality is a code of rules for the behaviour of men as they are; or, otherwise, that it is a code of rules for the behaviour of men as they *should* be. Of the first alternative we must say, that any proposed system of morals which recognizes existing defects, and countenances acts made needful by them, stands self-condemned; seeing that, by the hypothesis, acts thus excused are not the best conceivable, that is, are not perfectly *right*—not perfectly *moral*, and therefore a morality which permits them, is, in so far as it does this, not a morality at all. To escape from this contradiction is impossible, save by adopting the other alternative; namely, that the moral law, ignoring all vicious conditions, defects, and incapacities, prescribes the conduct of an ideal humanity. Pure rectitude can alone be its subject matter. Its object must be to determine the relations in which men *ought* to stand to one another—to point out the principles of action in a normal society. It must aim to give a systematic statement of those conditions under which human beings may harmoniously co-operate; and to this end it requires as its postulate, that such human beings be perfect.

Treating, therefore, as it does on the abstract principles of

right conduct, a system of pure ethics cannot recognize evil, or any of those conditions which evil generates. It knows no such thing as an infraction of the laws, for it is merely a statement of what the laws are. It simply says, such and such are the principles on which men should act; and when these are broken it can do nothing but say that they *are* broken. If asked what ought any one to do when another has knocked him down, it will not tell: it can only answer that an assault is a trespass against the law, and gives rise to a wrong relation. It is silent as to the manner in which we should behave to a thief: all the information it affords is, that theft is a breach of rectitude. We may learn from it that debt implies an infraction of the moral code; but whether the debtor should or should not be imprisoned, cannot be decided by it. To all questions which presuppose some antecedent unlawful action, such as—Should a barrister defend any one whom he believes to be guilty? Ought a man to break an oath which he has taken to do something wrong? Is it proper to publish the misconduct of our fellows?—the perfect law can give no reply, because it does not recognize the premises. In seeking to settle such points on purely ethical principles, moralists have attempted impossibilities. As well might they have tried to solve mathematically a series of problems respecting crooked lines and broken-backed curves, or to deduce from the theorems of mechanics the proper method of setting to work a dislocated machine. No conclusions can lay claim to absolute truth but such as depend upon truths which are themselves absolute. A geometrician requires that the straight lines with which he deals shall be veritably straight; and that his circles, and ellipses, and parabolas, shall agree with precise definitions. If you put to him a question in which these conditions are not complied with, he tells you that it cannot be answered. So likewise is it with the philosophical moralist. He treats solely of the *straight* man. He describes how the straight man comports himself; shows in what relation he stands to

other straight men; shows how a community of straight men is constituted. A problem in which a *crooked* man forms one of the elements is insoluble by him. He may state what he thinks about it—may give an approximate solution; but anything more is impossible.

Or perhaps the point may be most conveniently enforced, by using the science of the animal man to illustrate that of the moral man. Physiology is defined as a classified statement of the phenomena of bodily life. It treats of the functions of our several organs in their normal states. It exhibits the mutual dependence of the vital actions; and describes the condition of things constituting perfect health. Disease it does not even recognize, and can therefore solve no questions concerning it. To the inquiry—What is the cause of fever? or, what is the best remedy for a cold? it gives no answer. Such matters are out of its sphere. Could it reply it would be no longer Physiology, but Pathology or Therapeutics. Just so it is with a true morality, which might properly enough be called—Moral Physiology. Like its analogue, it has nothing to do with morbid actions and deranged functions. It deals only with the laws of a normal humanity, and cannot recognize a wrong, a depraved, or a disordered condition.

THE EVANESCENCE [? DIMINUTION] OF EVIL.

ALL evil results from the non-adaptation of constitution to conditions. Does a shrub dwindle in poor soil, or become sickly when deprived of light, or die outright if removed to a cold climate? it is because the harmony between its organization and its circumstances has been destroyed. Those experiences of the farm-yard and the menagerie which show that pain, disease, and death, are entailed upon animals by certain kinds of treatment, may be similarly generalized. Every suffering incident to the human body, from a headache up to a fatal illness, from a burn or a sprain up to accidental loss of life, is similarly traceable to the having placed that body in a situation for which its powers did not fit it. Nor is the expression confined in its application to physical evil. Is the bachelor unhappy because his means will not permit him to marry? does the mother mourn over her lost child? does the emigrant lament leaving his fatherland? The explanation is still the same. No matter what the special nature of the evil, it is invariably referable to the one generic cause—want of congruity between the faculties and their spheres of action.

Equally true is it that evil perpetually tends to disappear. In virtue of an essential principle of life, this non-adaptation of an organism to its conditions is ever being rectified; and modification of one or both, continues until the adaptation is complete. Whatever possesses vitality, from the elementary cell up to man himself, inclusive, obeys this law.

We see it illustrated in the acclimatization of plants, in the altered habits of domesticated animals, in the varying characteristics of our own race. Accustomed to the brief arctic summer, the Siberian herbs and shrubs spring up, flower, and ripen their seeds, in the space of a few weeks. If exposed to the rigour of northern winters, animals of the temperate zone get thicker coats, and become white. The greyhound which, when first transported to the high plateaus of the Andes, fails in the chase from want of breath, acquires, in the course of generations, a more efficient pair of lungs.

Man exhibits the same adaptability. He alters in colour according to habitat—lives here upon rice and there upon whale oil—gets larger digestive organs if he habitually eats innutritious food—acquires the power of long fasting if his mode of life is irregular, and loses it when the supply of food is certain—attains acute vision, hearing, and scent, when his habits of life call for them, and gets these senses blunted when they are less needful. That such changes are towards fitness for surrounding circumstances no one can question. When he sees that the dweller in marshes lives in an atmosphere which is certain death to a stranger—when he sees that the Hindoo can lie down and sleep under a tropical sun, while his white master with closed blinds, and water sprinklings, and punkah, can hardly get a doze—when he sees that the Greenlander and the Neapolitan subsist comfortably on their respective foods—blubber and macaroni, but would be made miserable by an interchange of them—when he sees that in other cases there is still this fitness to diet, to climate, and to modes of life, even the most sceptical must admit that some law of adaptation is at work. In the drunkard who needs an increasing quantity of spirits to intoxicate him, and in the opium eater who has to keep taking a larger dose to produce the usual effect, he may mark how the system gradually acquires power to resist what is noxious. Those who smoke, who take snuff, or who habitually use medicines, can furnish like illustrations.

This universal law of physical modification, is the law of mental modification also. The multitudinous differences of capacity and disposition which have, in course of time, grown up between the Indian, African, Mongolian, and Caucasian races, and between the various subdivisions of them, must all be ascribed to the acquirement in each case of fitness for surrounding circumstances. Why all this divergence from the one original type? If adaptation of constitution to conditions is not the cause, what is the cause?

There are none, however, who can with anything like consistency combat this doctrine; for all use arguments that presuppose its truth. They do this when they attribute differences of national character to differences in social customs and arrangements; and again when they comment on the force of habit; and again when they discuss the probable influence of a proposed measure upon public morality; and again when they recommend practice as a means of acquiring increased aptitude; and again when they describe certain pursuits as elevating and others as degrading; and again when they talk of getting used to anything; and again when they teach that virtuous conduct eventually becomes pleasurable, or when they warn against the power of a long-encouraged vice.

We must adopt one of three propositions. We must either affirm that the human being is unaltered by the influences brought to bear on him—his circumstances; or that he tends to become *un*fitted to those circumstances; or that he tends to become fitted to them. If the first be true, then all schemes of education, of government, of social reform are useless. If the second be true, then the way to make a man virtuous is to accustom him to vicious practices, and *vice versâ*. Both of which propositions being absurd, we are impelled to admit the remaining one.

Keeping in mind these truths, that all evil results from the non-adaptation of constitution to conditions; and that

where this non-adaptation exists it is continually being diminished by the changing of constitution to suit conditions; we shall be prepared for comprehending the present position of the human race.

By the increase of population the state of existence we call social has been necessitated. Men living in this state suffer under numerous evils. By the hypothesis it follows that their characters are not completely adapted to such a state.

In what respect are they not so adapted? what is the special qualification which the social state requires?

It requires that each individual shall have such desires only, as may be fully satisfied without trenching upon the ability of other individuals to obtain like satisfactions. If the desires of each are not thus limited, then either all must have certain of their desires ungratified; or some must get gratification for them at the expense of others. Both of which alternatives, necessitating pain, imply non-adaptation.

But why is not man adapted to the social state?

Simply because he yet partially retains the characteristics appropriate to an antecedent state. The respects in which he is not fitted to society, are the respects in which he is fitted for his original predatory life. His primitive circumstances required that he should sacrifice the welfare of other beings to his own; his present circumstances require that he shall not do so; and in so far as his old attribute still clings to him, he is unfit for the social state. All sins of men against one another, from the cannibalism of the Fijian to the crimes and venalities we see around us; the felonies which fill our prisons, the trickeries of trade, the quarrellings of class with class and of nation with nation, have their causes comprehended under this generalization.

Man needed one moral constitution to fit him for his original state; he needs another to fit him for his present state; and he has been, is, and will long continue to be, in process of adaptation. And the belief in human perfectibility merely

amounts to the belief that, in virtue of this process, man will eventually become completely suited to his mode of life.

Progress, therefore, is not an accident, but a necessity. Instead of civilization being artificial it is a part of nature; all of a piece with the devolopment of an embryo or the unfolding of a flower. The modifications mankind have undergone, and are still undergoing, result from a law underlying the whole organic creation; and provided the human race continues, and the constitution of things remains the same, those modifications must end in completeness. As surely as the tree becomes bulky when it stands alone, and slender if one of a group; as surely as a blacksmith's arm grows large, and the skin of a laborer's hand thick; as surely as the eye tends to become long-sighted in the sailor, and short-sighted in the student; as surely as a clerk acquires rapidity in writing and calculation; as surely as the musician learns to detect an error of a semitone amidst what seems to others a very babel of sounds; as surely as a passion grows by indulgence and diminishes when restrained; as surely as a disregarded conscience becomes inert, and one that is obeyed active; as surely as there is any meaning in such terms as habit, custom, practice;—so surely must the human faculties be moulded into complete fitness for the social state; so surely must evil and immorality disappear; so surely must man become perfect.

[NOTE.—With the exception of small verbal improvements, I have let this chapter stand unaltered, though it is now clear to me that the conclusions drawn in it should be largely qualified. 1. Various races of mankind, inhabiting bad habitats, and obliged to lead miserable lives, cannot by any amount of adaptation be moulded into satisfactory types. 2. Astronomical and geological changes must continue hereafter to cause such changes of surface and climate as must entail migrations from habitats rendered unfit to fitter habitats; and such migrations must entail modified modes of life, with consequent re-adaptations. 3. The rate of progress towards any adapted form must diminish with the approach to complete adaptation, since the force producing it must diminish; so that, other causes apart, perfect adaptation can be reached only in infinite time.]

GREATEST HAPPINESS MUST BE SOUGHT *INDIRECTLY.*

It is for us to ascertain the *conditions* by conforming to which greatest happiness may be attained. Unquestionably there must be in the nature of things some definite and fixed pre-requisites to success. Man is a visible, tangible entity, having properties. In the circumstances which surround him there are unchanging necessities. Life depends on the fulfilment of certain functions; and happiness is a particular kind of life. Surely, then, if we would know how, in the midst of these circumstances, the being Man must live so as to achieve greatest happiness, we ought first to determine what the essential conditions are. To suppose that we may, in ignorance or disregard of them, succeed by some haphazard speculation, is folly. Only in one way can the desideratum be reached. What that one way is must depend on the fundamental necessities of our position. And if we would discover it, our first step must be to ascertain those necessities.

At the head of them stands this unalterable fact—the social state. Men have multiplied until they are constrained to live more or less in presence of one another. That, as being needful for the support of the greatest sum of life, such a condition is preliminary to the production of the greatest sum of happiness, seems highly probable. Be that as it may, however, we find this state established; are henceforth to continue in it; and must therefore set it down as one of those

necessities which our rules for the achievement of the greatest happiness must recognize and conform to.

In this social state the sphere of activity of each individual being limited by the spheres of activity of other individuals, it follows that the men who are to realize this greatest sum of happiness, must be men of whom each can obtain complete happiness within his own sphere of activity, without diminishing the spheres of activity required for the acquisition of happiness by others. For, manifestly, if each or any of them cannot receive complete happiness without lessening the spheres of activity of one or more of the rest, he must either himself come short of complete happiness, or must make one or more do so; and hence, under such circumstances, the sum total of happiness cannot be as great as is conceivable, or cannot be greatest happiness. Here, then, is the first of those fixed conditions to the obtainment of greatest happiness, necessitated by the social state. It is the fulfilment of this condition which we express by the word *justice*.

To this all-essential pre-requisite there is a supplementary one of kindred nature. We find that without trenching upon one another's spheres of activity, men may yet behave to one another in such ways as to produce painful emotions. And if any have feelings which lead them to do this, it is clear that the total amount of happiness is not so great as it would be were they devoid of those feelings. Hence, to compass greatest happiness, the human constitution must be such that each man may fulfil his own nature, not only without diminishing other men's spheres of activity, but without inflicting unhappiness on other men in any direct or indirect way. This condition, as we shall by-and-by see, needs to be kept quite distinct from the foregoing one. The observance of it may be called *negative beneficence*.

Yet another requirement there is by fulfilment of which the happiness flowing from compliance with the foregoing ones is indefinitely increased. Let a race of beings be so constituted that each may be able to obtain full satisfaction

for all his desires, without deducting from the satisfactions obtainable by others, and we have a state of things in which the amount of *isolated* happiness is the greatest conceivable. But let these beings be so constituted that each, in addition to the pleasurable emotions personally received by him, can sympathetically participate in the pleasurable emotions of others, and the sum-total of happiness becomes largely augmented. Hence, to the primary requisite that each shall be able to get complete happiness without diminishing the happiness of the rest, we must now add the secondary one that each shall be capable of receiving happiness from the happiness of the rest. Compliance with this requisite implies *positive beneficence*.

Lastly, there must go to the production of the greatest happiness the further condition, that, whilst duly regardful of the preceding limitations, each individual shall perform all those acts required to fill up the measure of his own private happiness.

These then are necessities. They are not matters of opinion, but matters of fact. Denial of them is impossible, for nothing else can be stated but what is self-contradictory. Schemes of government and culture which ignore them, cannot but be essentially absurd. Everything must be good or bad, right or wrong, in virtue of its accordance or discordance with them. Our whole code of duty is comprehended in the endeavour to live up to these necessities. If we find pleasure in doing this it is well; if not, our aim must be to acquire that pleasure. Greatest happiness is obtained only when conformity to them is spontaneous; seeing that the restraint of desires inciting to trespass implies pain, or deduction from greatest happiness. Hence it is for us to habituate ourselves to fulfil these requirements as fast as we can. The social state is a necessity. The conditions to greatest happiness under that state are fixed. Our characters are the only things not fixed. They, then, must be moulded into fitness for the conditions. And all moral teaching and discipline must have for its object to hasten this process.

DERIVATION OF A FIRST PRINCIPLE.

If men have like claims to that freedom which is needful for the exercise of their faculties, then must the freedom of each be bounded by the similar freedoms of all. When, in the pursuit of their respective ends, two individuals clash, the movements of the one remain free only in so far as they do not interfere with the like movements of the other. This sphere of existence into which we are thrown, not affording room for the unrestrained activity of all, and yet all possessing in virtue of their constitutions similar claims to such unrestrained activity, there is no course but to apportion the unavoidable restraint equally. Wherefore we arrive at the general proposition, that every man may claim the fullest liberty to exercise his faculties compatible with the possession of like liberty by every other man.

Upon a partial consideration this statement of the law will perhaps seem open to criticism. It may be thought better to limit the right of each to exercise his faculties, by the proviso that he shall not *hurt* any one else—shall not inflict *pain* on any one else. But although at first sight satisfactory, this expression of the law allows of erroneous deductions. It is true that men, who fulfil those conditions to greatest happiness set forth in the foregoing chapter, cannot exercise their faculties to the aggrieving of one another. It is not, however, that each avoids giving pain by refraining from the full exercise of his faculties; but it is that the faculties

of each are such that the full exercise of them offends no one. And herein lies the difference. The giving of pain may have two causes. Either the abnormally-constituted man may do something displeasing to the normal feelings of his neighbours, in which case he acts wrongly; or the behaviour of the normally-constituted man may irritate the abnormal feelings of his neighbours, in which case it is not his behaviour that is wrong, but their characters that are so. Under such circumstances the due exercise of his faculties is right, although it gives pain; and the remedy for the evil lies in the modification of those abnormal feelings to which pain is given.

To elucidate this distinction let us take a few illustrations. An honest man discovers some friend, of whom he had previously thought well, to be a rogue He has certain high instincts to which roguery is repugnant; and, allowing free play to these, he drops the acquaintanceship of this unworthy one. Now, though in doing so he gives pain, it does not follow that he transgresses the law. The evil must be ascribed, not to an undue exercise of faculties by him, but to the immorality of the man who suffers. Again, a Protestant in a Roman Catholic country refuses to uncover his head on the passing of the host. In so obeying the promptings of certain sentiments, he annoys the spectators; and were the above modified expression of the law correct, would be blameable. The fault, however, is not with him, but with those who are offended. It is not that he is culpable in thus testifying to his belief, but it is that they ought not to have so tyrannical an intolerance of other opinions than their own. Or again, a son, to the great displeasure of his father and family, marries one who, though in all respects admirable, is dowerless. In thus obeying the dictates of his nature, he may entail considerable distress of mind on his relatives; but it does not follow that his conduct is bad; it follows, rather, that the feelings which his conduct has wounded are bad.

Hence we see that in hourly-occurring cases like these, to

limit the exercise of faculties by the necessity of not giving pain to others, would be to stop the proper exercise of faculties in some persons, for the purpose of allowing the improper exercise of faculties in the rest. Moreover, the observance of such a rule does not, in reality, prevent pain. For though he who is restrained by it avoids inflicting suffering on his fellows, he does so at the expense of suffering to himself. The evil must be borne by some one, and the question is by whom. Shall the Protestant, by showing reverence for what he does not revere, tell a virtual lie, and thus do violence to his conscientious feeling that he may avoid vexing the intolerant spirit of his Catholic neighbours? or shall he give the rein to his own healthy sincerity and independence, and offend their unhealthy bigotry? Shall the honest man repress those sentiments that make him honest, lest the exhibition of them should give pain to a rogue? or shall he respect his own nobler feelings, and hurt the other's baser ones? Between these alternatives no one can well pause. And here indeed we get down to the root of the matter. For be it remembered the universal law of life is, that the exercise or gratification of faculties strengthens them; while, contrariwise, the curbing or inflicting pain on them, entails a diminution of their power. And hence it follows that when the action of a normal faculty is checked, to prevent pain being given to the abnormal faculties of others, those abnormal faculties remain as active as they were, and the normal one becomes weaker or abnormal. Whereas under converse circumstances the normal one remains strong, and the abnormal ones are weakened, or made more normal. In the one case the pain is detrimental, because it retards the approximation to that form of human nature under which the faculties of each may be fully exercised without displeasure to the like faculties of all. In the other case the pain is beneficial, because it aids the approximation to that form. Thus, that first expression of the law which arises immediately from the conditions to social existence, turns out to be the true one: any such modi-

fication of it as the above, necessitating conduct that is in many cases mischievous.

And yet, on the other hand, when to express the law by saying that every man has full liberty to exercise his faculties, provided always he does not trench upon the similar liberty of any other, we commit ourselves to an imperfection of an opposite character; and we find that there are many cases in which the above modified expression answers better. Various ways exist in which the faculties may be exercised to the aggrieving of other persons, without the law of equal freedom being overstepped. A man may behave unamiably, may use harsh language, may annoy by disgusting habits; and whoso thus offends the normal feelings of his fellows, manifestly diminishes happiness. If we say that every one is free to exercise his faculties so long only as he does not inflict pain upon any one else, we forbid all such conduct. Whereas if we simply limit the liberty of each by the like liberties of all, we do not forbid it; seeing that he who exercises his faculties in this way, does not hinder others from exercising theirs in the same way, and to the same extent. How, then, are we to escape from this difficulty? Neither statement of the law quite fulfils our requirement, and yet we must choose one of them. Which must it be, and why?

It must be the original one, and for a very good reason. Limiting the liberty of each by the like liberties of all, excludes a wide range of improper actions, but it does not exclude certain other improper ones. Limiting the liberty of each by the necessity of not giving pain to the rest, excludes the whole of these improper actions, but excludes along with them many others that are proper. The one does not cut off enough; the other cuts off too much. The one is negatively erroneous; the other is positively so. Evidently, then, we must adopt the negatively erroneous one, seeing that its shortcomings may be made good by a supplementary law. And here we find the need for that distinction lately drawn

between *justice* and *negative beneficence*. Justice imposes upon the exercise of faculties a primary series of limitations, which is strictly true as far as it goes. Negative beneficence imposes a secondary series. It is no defect in the first of these that it does not include the last. The two are, in the main, distinct; and, as we have just seen, the attempt to unite them under one expression leads us into fatal errors.

Yet another objection will probably be started. By full liberty to exercise the faculties, is meant full liberty to do all that the faculties prompt, or, in other words, to do all that the individual wills; and it may be said that if the individual is free to do all that he wills, provided he does not trespass upon certain specified claims of others, then he is free to do things which are injurious to himself—is free to get drunk, for instance. To this it must in the first place be replied, as above, that while the law now laid down forbids a certain class of actions as immoral, it does not recognize all kinds of immorality—that the restriction it puts on the free exercise of faculties, though the chief, is not the sole restriction, and must be received without prejudice to further ones. Of the need for such further ones, the difficulty here raised furnishes a second instance.

Mark now, however, that these supplementary restrictions are of inferior authority to the original law. Instead of being, like it, capable of scientific development, they can be unfolded only into superior forms of expediency. The limit put to each man's freedom by the like freedom of every other man, is a limit almost always possible of ascertainment; for the respective amounts of freedom men assume can usually be compared, and the equality or inequality of those amounts recognized. But when we set about drawing practical deductions from the propositions that a man is not at liberty to do things injurious to himself, and that he is not at liberty (except in cases like those lately cited) to do what may give unhappiness to his neighbours, we find ourselves

involved in complicated estimates of pleasures and pains, to the obvious peril of our conclusions. For example, though it is manifest that to get drunk is an injurious exercise of faculties, it is by no means manifest how much work is proper for us, and when work becomes detrimental; it is by no means manifest where lies the line between due and undue intellectual activity; it is by no means manifest what amount of advantage will justify a man in submitting to unsuitable climate and mode of life; and yet in each of these cases happiness is at stake, and the wrong course is wrong for the same reason that drunkenness is so. Even were it possible to say of each private action whether the resulting gratification did or did not preponderate over the resulting suffering, there would still present itself this second difficulty, that we cannot in all cases distinguish suffering which is detrimental, from suffering which is beneficial. While we are as yet imperfectly adapted to our conditions, pain must inevitably arise from the repression of faculties that are too active, and from the overtasking of those that are not equal to their duties; and, as being needful to the development of the ultimate man, such pain cannot be held damnatory of the actions causing it. Thus, referring again to the instances just cited, it is evident that the ability to work is needful for the production of the greatest happiness; but the acquirement of this ability by the uncivilized man is so distressing, that only severe discipline will force him to it. The degree of intelligence which our existing mode of life necessitates, cannot be arrived at without ages of wearisome application, and perhaps cannot get organized in the race without a partial and temporary sacrifice of bodily health. Here, then, are cases in which men's liberties must not be limited by the necessity of not inflicting pain on themselves; seeing that it cannot be so limited without a suspension of our approach to greatest happiness. Similarly, we saw that there are cases in which, for the same reason, men's liberties must not be limited by the necessity of not inflicting pain on others. And the fact now to be

noticed is, that we possess no certain way of distinguishing the two groups of cases thus exemplified, from those cases in which the doing what diminishes happiness, either in ourselves or others, is both immediately and ultimately detrimental, and therefore wrong. As both of these supplementary limitations involve the term *happiness*, and as happiness is for the present capable only of a generic and not of a specific definition, they do not admit of scientific development.

And now we have arrived at an important truth touching this matter—the truth that only by exercise of this liberty of each, limited alone by the like liberties of all, can there arise a separation of those acts which, though incidentally and temporarily injurious to ourselves or others, are indirectly beneficial, from those acts which are necessarily and permanently injurious. For manifestly, all non-adaptation of faculties to their functions must consist either in excess or defect. Manifestly, too, in the wide range of cases we are now treating of, there exists no mode but a tentative one of distinguishing that exercise of faculties which produces suffering because it oversteps the conditions to normal existence, from that other exercise of faculties which produces suffering because it falls short of those conditions. And manifestly, the due employment of this tentative mode requires that each man shall have the greatest freedom compatible with the like freedom of all others.

That, on this course being pursued, there will happen a gradual cessation of the detrimentally painful actions, while the beneficially painful ones will be continued until they have ceased to be painful, may be made clear by a few illustrations. Thus, the change from the impulsive nature of the savage to that nature which enables the civilized man to sacrifice a present gratification for a future greater one, involves much suffering; but the necessities of social life demanding such a change, and continually visiting the lack of self-restraining power with punishment, ensure a constant though

irksome endeavour on the part of all to acquire this power—an endeavour which must surely though slowly succeed. Conversely, the prevalence of a somewhat undue desire for food, entailing as it does unpleasant results, brings about such attempts at abstemiousness as must, by constantly curbing it, finally reduce this desire to normal intensity.* And what so manifestly happens in these simple cases, will happen in those complex ones above exemplified, where the good and bad results are more nearly balanced. For although it may be impossible in such cases for the intellect to estimate the respective amounts of pleasure and pain consequent on each alternative, yet will experience enable *the constitution itself* to do this; and will further cause it instinctively to shun that course which produces on the whole most suffering, or, in other words—most sins against the necessities of existence, and to choose that which least sins against them. Turning to those actions which put us in direct relation to other men, it must similarly happen that such of them as give no necessary displeasure to any one, will be persevered in, and the faculties answering to them developed; while actions necessarily displeasing to others, must, by virtue of the disagreeable reactions which they entail, be, in the average of cases, subject to some repression—a repression which must ultimately tell upon the desires they spring from. And now observe that in the course of this process there must continually be produced a different effect upon conduct which is *necessarily* painful to others, from that produced upon conduct that is *incidentally* painful only. Conduct

* Why the appetite for food should now be greater than is proper, seems at first difficult to understand. On calling to mind, however, the circumstances of the savage, we find an explanation in the fact, that the irregularity in his supplies of food necessitated an ability to eat largely when food was attainable, and necessitated, therefore, a corresponding desire. Now that the supplies of food have become regular, and no contingent periods of long fasting have to be provided against, the desire is in excess and has to be abated.

which hurts *necessary* feelings in others will, as just explained, inevitably undergo restraint and consequent diminution. Conduct which hurts only their *incidental* feelings, as those of caste, or prejudice, will not inevitably do so; but if it springs from necessary feelings, will be continued at the expense of these incidental feelings, and to the final suppression of them. Thus, the existing confusion of necessary and conventional feelings, necessary and conventional circumstances, and feelings and circumstances that are partly necessary and partly conventional, will eventually work itself clear.

If, then, the one thing needful to produce ultimate subordination to these secondary limits of right conduct is, that we should have the opportunity of coming in contact with them—should be allowed freely to expand our natures in all directions, until the available space has been filled and the true bounds have made themselves felt—if a development of these secondary limits into practical codes of duty can only thus be accomplished; then does the supreme authority of our first law—the liberty of each limited alone by the like liberties of all—become still more manifest; seeing that that right to exercise the faculties which it asserts, must precede the unfolding of this supplementary morality.

Nevertheless, it must still be admitted that in cases where these secondary limitations to the exercise of faculties are undoubtedly transgressed, the full assertion of this law of equal freedom betrays us into an apparent dilemma. By drunkenness, or by brutality of manner, our own happiness, or the happiness of others, is diminished; and that not in an incidental but in a necessary way. And if by affirming a man's liberty to do all that he wills so long as he respects the like liberty of every other, we imply that he is at liberty to get drunk or to behave brutally, then we fall into the inconsistency of affirming that he is at liberty to do something essentially destructive of happiness.

Of this difficulty nothing can be said, save that it seems

due to the impossibility of making the perfect law recognize an imperfect state. As matters stand, however, we must deal with it as best we may. There is clearly no alternative but to declare man's freedom to exercise his faculties. There is clearly no alternative but to declare the several limitations of that freedom needful for the achievement of greatest happiness. And there is clearly no alternative but to develop the first and chief of these limitations separately; seeing that a development of the others is at present impossible. Against the consequence of neglecting these secondary limitations, we must guard ourselves as well as we can: supplying the place of scientific deductions by such inferences as observation and experience enable us to make.

Finally, however, there is satisfaction in the thought, that no such imperfection as this can vitiate any of the conclusions we are now about to draw. Liberty of action being the first essential to exercise of faculties, and therefore the first essential to happiness; and the liberty of each limited by the like liberties of all, being the form which this first essential assumes when applied to many instead of one; it follows that this liberty of each, limited by the like liberties of all, is the rule in conformity with which society must be organized. Freedom being the pre-requisite to normal life in the individual, equal freedom becomes the pre-requisite to normal life in society. And if this law of equal freedom is the *primary* law of right relationship between man and man, then no desire to get fulfilled a *secondary* law can warrant us in breaking it.

SECONDARY DERIVATION OF A FIRST PRINCIPLE.

THIS first and all-essential law, declaratory of the liberty of each limited only by the like liberties of all, is that fundamental truth of which the moral sense gives an intuition, and which the intellect has to develop into a scientific morality.

Quite independently of any such analytical examination as that just concluded, men perpetually exhibit a tendency to assert the equality of human rights. In all ages, but more especially in later ones, has this tendency been visible. In our own history we may detect it as early as the time of Edward I., in whose writs of summons it was said to be "a most equitable rule, that what concerns all should be approved of by all." How our institutions have been influenced by it may be seen in the judicial principle that "all men are equal before the law." The doctrine that "all men are naturally equal" (of course not in their faculties, but only in their claims to make the best use of their faculties), has not only been asserted by philanthropists like Granville Sharpe, but, as Sir Robert Filmer, a once-renowned champion of absolute monarchy, tells us, "Heyward, Blackwood, Barclay, and others that have bravely vindicated the rights of kings, . . . with one consent admitted the natural liberty and equality of mankind." In his essay on Civil Government, Locke, too, expresses the opinion that there is "nothing more evident than that creatures of the same species and rank, promiscuously born to the same advantages of

nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection." Again, we find the declaration of American independence affirming that "all men have equal rights to life, liberty, and the pursuit of happiness." And those who wish for more authorities who have expressed the same conviction, may add the names of Judge Blackstone and "the judicious Hooker."

The sayings and doings of daily life continually imply some intuitive belief of this kind. We take for granted its universality when we appeal to men's sense of justice. It shows itself in such expressions as—"How would you like it?" "I've as good a right as you," &c. Nay, indeed, so spontaneous is this faith in the equality of human rights, that our very language embodies it. *Equity* and *equal* are from the same root; and equity literally means *equalness*.

Not without meaning is the continued life and growth of this conviction. He must indeed have a strange way of interpreting social phenomena, who can believe that the reappearance of it, with increasing frequency, in laws, books, agitations, revolutions, means nothing. If we analyze them, we shall find all beliefs to be in some way dependent on mental conformation—temporary ones upon temporary characteristics of our nature—permanent ones on its permanent characteristics. And when we find that a belief like this in the equal freedom of all men, is not only permanent but daily gaining ground, we have good reason to conclude that it corresponds to some essential element of our moral constitution: more especially since we find that its existence is in harmony with that chief pre-requisite to greatest happiness lately dwelt upon; and that its growth is in harmony with that law of adaptation by which this greatest happiness is being wrought out.

Such, at least, is the hypothesis here adopted. From the above accumulation of evidence it is inferred that there exists in man what may be termed an *instinct of personal rights*—a

feeling that leads him to claim as great a share of natural privilege as is claimed by others—a feeling that leads him to repel anything like an encroachment upon what he thinks his sphere of original freedom. By virtue of this impulse, individuals, as units of the social mass, tend to assume like relationships with the atoms of matter; surrounded as these are by their respective atmospheres of *repulsion* as well as of attraction. And perhaps social stability may ultimately be seen to depend on the due balance of these forces.

But why, it may be asked, should there need any sentiment leading men to claim the liberty of action requisite for the due exercise of faculties, and prompting them to resist encroachments upon that liberty? Will not the several faculties themselves do this, by virtue of their desires for activity, which cannot otherwise be gratified? Surely there is no necessity for a special impulse to make a man do that which all his impulses conjointly tend to make him do.

This is not so serious an objection as it appears to be. For although, were there no such sentiment as this supposed one, each faculty in turn might impel its possessor to oppose a diminution of its own sphere of action, yet, during the dormancy of that faculty, there would be nothing to prevent the freedom requisite for its *future* exercise from being infringed upon. It may, perhaps, be rejoined, that the mere consciousness that there must again happen occasions for the use of such freedom will constitute a sufficient incentive to defend it. But plausible as this supposition looks, it does not tally with facts. We do not find on inquiry, that each faculty has a special foresight. We find, on the contrary, that to provide for the future gratification of the faculties at large, is the office of faculties existing solely for that purpose. Thus, referring once more by way of illustration to the acquisitive instinct, we see that, when this is wanting, the desires for food, for clothing, for shelter, together with those many other desires which property ministers to, do not of themselves prompt that accumulation of property on

which the continuance of their satisfactions depends. Each of them, when active, impels the individual to take means for its present fulfilment, but does not prompt him to lay by the means for its future fulfilment. Similarly, then, with liberty of action. It is argued that as each faculty does not look after its own particular fund of necessaries, so neither does it look after its own particular sphere of activity; and that as there is a special faculty to which the providing of a general fund of necessaries is consigned, so likewise is there a special faculty to which the maintenance of a general sphere of activity is consigned.

Seeing, however, that this instinct of personal rights is a purely selfish instinct, leading each man to assert and defend his own liberty of action, there remains the question—Whence comes our perception of the rights of others?

The way to a solution of this difficulty has been opened by Adam Smith in his *Theory of Moral Sentiments*. It is the aim of that work to show that the proper regulation of our conduct to one another, is secured by means of a faculty whose function it is to excite in each being the emotions displayed by surrounding ones—a faculty which awakens a like state of sentiment, or, as he terms it, "a fellow-feeling with the passion of others"—the faculty, in short, which we commonly call Sympathy. As illustrations of the mode in which the agent acts, he cites cases like these:—

"Persons of delicate fibres, and weak constitution of body, complain that in looking on the sores and ulcers which are exposed by beggars in the streets, they are apt to feel an itching or uneasy sensation in the corresponding part of their own bodies." "Men of most robust make observe, that in looking upon sore eyes they often feel a very sensible soreness in their own." "Our joy for the deliverance of those heroes of tragedy or romance who interest us, is as sincere as our grief for their distress, and our fellow-feeling for their misery, is not more real than that for their

happiness." "We blush for the impudence and rudeness of another, though he himself appears to have no sense of the impropriety of his behaviour."

To these facts cited by Adam Smith, may be added many others of like import; such as that people—women especially—start or shriek on seeing an accident occur to others; that unpractised assistants at surgical operations often faint; that out of the soldiers drawn up to witness a flogging, usually several drop down in the ranks; that a boy has been known to die on witnessing an execution. We have all experienced the uncomfortable feeling of shame produced in us by the blunders and confusion of a nervous speaker; and probably every one has, some time or other, been put into a horrible tremor on seeing a person at the edge of a precipice. The converse action of the faculty is equally observable. Thus, we find ourselves unable to avoid joining in the merriment of our friends, while unaware of its cause; and children, much to their annoyance, are often forced to laugh in the midst of their tears, by witnessing the laughter of those around them. These and many like evidences prove that, as Burke says, "sympathy must be considered as a sort of substitution by which we are put into the place of another man, and affected in many respects as he is affected."

In tracing our benevolent actions to the influence of such a faculty—in concluding that we are led to relieve the miseries of others from a desire to rid ourselves of the pain given by the sight of misery, and to make others happy because we participate in their happiness—Adam Smith puts forth what seems to be a quite satisfactory theory. But he has overlooked one of its most important applications. Not recognizing any such impulse as that which urges men to maintain their claims, he did not see that their respect for the claims of others, may be explained in the same way. He did not perceive that the sentiment of justice is nothing but a sympathetic affection of the instinct of personal rights—a sort of reflex function of it. Such, however, must be the case, if

that instinct exists, and if this hypothesis of Adam Smith be true. Here lies the explanation of those qualms of conscience, as we call them, felt by men who have committed dishonest actions. It is through this instrumentality that we receive satisfaction on paying another what is due to him. And with these two faculties also, originates that indignation which narratives of political oppression excite in us.

It was elsewhere hinted (p. 34) that though we must keep up the distinction between them, it is nevertheless true that *justice* and *beneficence* have a common root; and the reader will now at once perceive that the common root is—Sympathy. All the actions properly classified under the one, and which we describe as fair, equitable, upright, spring from the sympathetic excitement of the instinct of personal rights; while those usually grouped under the other, as mercy, charity, good-nature, generosity, amiability, considerateness, are due to the action of Sympathy upon one or more of the other feelings.

If it be true that men's perceptions of justice are generated in the way alleged, it will follow that, other things equal (*i.e.*, if there are equal amounts of sympathy), those who have the strongest sense of their own rights, will have the strongest sense of the rights of their neighbours. And, by observing whether this is the case or not, we may put the theory to the proof. Let us do this.

The first illustration that suggests itself is afforded by the Society of Friends. Ever since they appeared in the days of Charles I., the members of that body have been remarkable for their determined assertion of personal liberty. They have shown it in their continued resistance to ecclesiastical power; in the obstinacy with which they successfully defied persecution; in their still-continued refusal to pay church-rates; and even in their creed, which does not permit a priesthood. Observe, now, how the sentiment which these peculiarities imply has manifested itself sympathetically. Penn and his

followers were the only emigrants of their age who made any acknowledgment to the aborigines for the land they colonized. This same sect furnished sundry of the philanthropists who set up the agitation for abolishing the slave trade, and were most energetic in carrying it on. Among lunatic asylums, the York Retreat was one of the first, if not *the* first, in which a non-coercive treatment of the insane was adopted. They were Quakers, too, who years ago began publicly to exclaim against the injustice as well as the cruelty of war. And, while it may be true that in business they are firm in the assertion of their claims, it is not less true that on the whole they are remarkable for honest dealing.

Conversely, we find that those who have not a strong sense of what is just to themselves, are likewise deficient in a sense of what is just to their fellow-men. This has long been a common remark. As one of our living writers puts it—the tyrant is nothing but a slave turned inside out. In earlier days, when feudal lords were vassals to the king, they were also despots to their retainers In our own time, the Russian noble is alike a serf to his autocrat and an autocrat to his serf. It is remarked, even by school-boys, that the bully is the most ready of all to knock under to a bigger bully. We constantly observe that those who fawn upon the great are overbearing to their inferiors. That "emancipated slaves exceed all other owners (of slaves) in cruelty and oppression," * is a truth established by numerous authorities.

One qualification must be made, however. There is no *necessary* connection between a sense of what is due to self, and a sense of what is due to others. Sympathy and instinct of rights do not always co-exist in equal strength any more than other faculties do. Either of them may be present in normal amount while the other is almost wanting. And, if devoid of sympathy, it is possible for a man who has a sufficient impulse to assert his own claims, to show no corresponding respect

* *Four Years in the Pacific.* By Lieut. Walpole.

UNIVERSITY OF CALIFORNIA

for the claims of his fellows. The instinct of rights being of itself entirely selfish, merely impels its possessor to maintain his own rights. Only by the sympathetic excitement of it, is a desire to behave equitably to others awakened; and when sympathy is absent such a desire is impossible.

Further proof may be found in the fact, that some of the peculiar moral notions traceable to these sentiments are perfectly in harmony with certain of the abstract conclusions arrived at in the preceding chapter. We find in ourselves a conviction, for which we can give no satisfactory reason, that we are free, if we please, to do particular things which it is yet blamable to do. Though it may greatly diminish his happiness, a man feels that he has a *right*, if he likes, to cut off a finger, or to destroy his property. While we condemn the want of consideration he shows towards some miserable debtor, yet we admit that the hard creditor is, in *strict justice*, entitled to the uttermost farthing. Notwithstanding our disgust at the selfishness of one who refuses to afford some friendly accommodation, we cannot deny that he is quite *at liberty* to refuse. Now these perceptions which, if the hypothesis be true, are referable to the instinct of personal rights, acting in the one case directly and in the other cases sympathetically, quite accord with foregoing inferences. We found that the law of equal freedom is the fundamental law. We found (p. 40) that no other limitations of activity could be as authoritative as that which it sets up. And we found further (p. 41) that in this, our state of adaptation, it would be wrong to establish any fixed boundary to the liberty of each, save the similar liberties of others. Such a correspondence between our instinctive beliefs and the conclusions previously arrived at, lends additional probability to the hypothesis here advanced.

There exists, however, a dominant sect of politicians who treat with contempt this belief that men have any claims an-

tecedent to those created by governments. As disciples of Bentham, consistency requires them to do this. Accordingly, although it does violence to their secret perceptions, they boldly deny the existence of "rights" entirely. Practically, if not professedly, they hold, with Thrasymachus, that nothing is intrinsically right or wrong, but that it becomes either by the dictum of the State. If we are to credit them government determines what shall be morality, and not morality what shall be government. They believe in no oracular principle by whose yea or nay we may be guided: their Delphi is the House of Commons. By their account man lives and moves and has his being by legislative permit. His freedom to do this or that is not natural, but conferred. The question—Has the citizen any claim to the work of his hands? can be decided only by a parliamentary division. If "the ayes have it," he has; if "the noes," he has not. Nevertheless they perpetually betray a belief in the doctrines which they professedly reject. They inadvertently talk about *justice*, especially when it concerns themselves, in much the same style as their opponents. They draw the same distinction between *law* and *equity* that other people do. And when robbed, or assaulted, or wrongly imprisoned, they exhibit the same indignation, the same determination to oppose the aggressor, utter the same denunciations of tyranny, and the same loud demands for redress, as the sternest assertors of the rights of man.

But it is amusing when, after all, it turns out that the ground on which these philosophers have taken their stand, and from which with such self-complacency they shower their sarcasms, is nothing but an adversary's mine, destined to blow the vast fabric of conclusions they have based on it into nonentity. This so solid-looking principle of "the greatest happiness of the greatest number," needs but to have a light brought near it, and lo! it explodes into the astounding assertion, that all men have equal rights to happiness (p. 18)—an assertion far more sweeping and revolutionary than any of those which are assailed with so much scorn.

FIRST PRINCIPLE.

Thus are we brought by several routes to the same conclusion. Whether we reason our way from those fixed conditions under which alone greatest happiness can be realized —whether we draw our inferences from man's constitution, considering him as a congeries of faculties—or whether we listen to the monitions of a certain mental agency, which seems to have the function of guiding us in this matter; we are alike taught, as the law of right social relationships, that —*Every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man.* Though further qualifications of the liberty of action thus asserted are necessary, yet we have seen that in the just regulation of a community no further qualifications of it can be recognized. Such further qualifications must remain for private and individual application. We must therefore adopt this law of equal freedom in its entirety, as the law on which a correct system of equity is to be based.

Some will, perhaps, object to this first principle, that being in the nature of an axiomatic truth—standing towards the inferences to be drawn from it in the position of one, it ought to be recognized by all; which it is not.

Respecting the fact thus alleged, that there have been, and are, men impervious to this first principle, there can be no question. Probably it would have been dissented from by

Aristotle, who considered it a "self-evident maxim that nature intended barbarians to be slaves." Cardinal Julian, who "abhorred the impiety of keeping faith with infidels," might possibly have disputed it. It is a doctrine which would scarcely have suited the abbot Guibert, who, in his sermons, called the free cities of France "those execrable communities, where serfs, against law and justice, withdraw themselves from the power of their lords." And perhaps the Highlanders, who in 1748 were reluctant to receive their freedom on the abolition of the heritable jurisdictions, would not have admitted it. But the confession that the truth of this first principle is not self-evident to all, by no means invalidates it. The Bushman can count only as high as three; yet arithmetic is a fact, and we have a Calculus of Functions by the aid of which we find new planets. As, then, the disability of the savage to perceive the elementary truths of number is no argument against their existence, and no obstacle to their discovery and development; so, the circumstance that some do not see the law of equal freedom to be an elementary truth of ethics, does not disprove the statement that it is one.

So far indeed is this difference in men's moral perceptions from being a difficulty in our way, that it serves to illustrate a doctrine already set forth. As already explained, man's original circumstances "required that he should sacrifice the welfare of other beings to his own;" whereas his present circumstances require that "each individual shall have such desires only as may be fully satisfied without trenching upon the ability of other individuals to obtain like satisfactions." And it was pointed out that, in virtue of the law of adaptation, the human constitution is changing from the form which fitted it to the first set of conditions to a form fitting it for the last. Now it is by the growth of those two faculties which together originate what we term a Moral Sense, that fitness for these last conditions is secured. In proportion to the strength of sympathy and the instinct of personal rights,

will be the impulse to conform to the law of equal freedom. And in the mode elsewhere shown (p. 20), the impulse to conform to this law will generate a correlative belief in it. Only, therefore, after the process of adaptation has made considerable advance, can there arise either subordination to this law or a perception of its truth. And hence any general recognition of it during the earlier stages of social development must not be looked for.

To the direct evidence which has been accumulated in proof of our first principle, may now be added indirect evidence furnished by the absurdities into which denial of it betrays us. He who asserts that the law of equal freedom is not true, that is, he who asserts that men have *not* equal rights, has two alternatives. He may either say that men have no rights at all, or that they have unequal rights. Let us examine these positions.

Foremost of those who deny rights altogether, stands that same Sir Robert Filmer already named, with his dogma that "men are not naturally free." Starting thus, he readily finds his way to the conclusion that the only proper form of government is an absolute monarchy. For, if men are not naturally free, that is, if men have naturally no rights, then, he only has rights to whom they are specially given by God. From which inference to "the divine right of kings" is an easy step. It has become manifest in later times, however, that this divine right of kings, means the divine right of any one who can get uppermost. For since, according to its assertors, no man can be supposed to occupy the position of supreme ruler in opposition to the will of the deity, it follows that whoever attains to that position, whether by fair means or by foul, be he legitimate or be he usurper, has divine authority on his side. So that to say "men are not naturally free," is to say that though men have no rights, yet whoever can get power to coerce the rest has a right to do so!

For espousing the other alternative, namely, that men's rights are unequal, the assigned motive is a desire to ensure supremacy of the best. But even were it admitted that, to ensure supremacy of the best, liberty of action should be apportioned to men in the ratios of their merits, there remains the question—how are relative merits to be determined? We cannot appeal to public opinion, for it is not uniform. And were it uniform there is no reason to think that it would be correct. Can confidence be placed in the judgments of men who subscribe Hudson-testimonials, and yet leave the original projector of railways to die in poverty? Are those fit to decide on comparative greatness who have erected half-a-dozen public monuments to Wellington and none to Shakspeare or Newton?—an authority which awards to the door-keeper of its House of Commons £74 a year more than to its astronomer royal?

If, then, public opinion is so fallible a test of relative merits, where shall a trustworthy test be found? Clearly, if the freedom to which each is entitled varies with his worth, some satisfactory mode of estimating worth must be discovered before any settlement of men's right relationships can become possible. Who will point out such a mode?

Even were a still further admission made—even were we to assume that men's respective claims could be fairly rated—it would still be impossible to reduce the theory of unequal rights to practice. We should yet have to find a rule by which to allot these different shares of privilege. Where is the scale that would enable us to mark off the portion proper for each individual? Supposing a shopkeeper's rights to be symbolized by ten and a fraction, what number will represent those of a doctor? What multiple are the liberties of a banker of those of a seamstress? Given two artists, one half as clever again as the other, it is required to find the limits within which each may exercise his faculties. As the great-

ness of a prime minister is to that of a ploughboy, so is full freedom of action to—the desired answer. Here are a few out of numberless like questions. When a method of solving them has been found, it will be time enough to reconsider the theory of unequal rights.

THE RIGHT OF PROPERTY.

THE moral law, being the law of the social state, is obliged to ignore the pre-social state. Constituting, as the principles of pure morality do, a code of conduct for the perfectly civilized man, they cannot be made to adapt themselves to the actions of the uncivilized man, even under the most ingenious hypothetical conditions—cannot be made even to recognize those actions so as to pass any definite sentence upon them. Overlooking this fact, thinkers, in their attempts to prove some of the first theorems of ethics, have commonly fallen into the error of referring back to an imaginary state of savage wildness, instead of referring forward to an ideal civilization, as they should have done; and have, in consequence, entangled themselves in difficulties arising out of the discordance between ethical principles and the assumed premises. To this circumstance is attributable that vagueness by which the arguments used to establish the right of property in a logical manner, are characterized.

"Though the earth and all inferior creatures," says Locke, "be common to all men, yet every man has a property in his own person: this nobody has a right to but himself. The labour of his body and the work of his hands, we may say are properly his. Whatever then he removes out of the state that nature hath provided and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature hath placed it in, it hath by

this labour something annexed to it that excludes the common right of other men. For this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least when there is enough and as good left in common for others."

One might, in reply to this, observe that as, according to the premises, "the earth and all inferior creatures are common to all men," the consent of all men must be obtained before any article can be equitably "removed from the common state nature hath placed it in." It might be argued that the real question is overlooked, when it is said that, by gathering any natural product, a man "hath mixed his labour with it, and joined to it something that is his own, and thereby made it his property;" for the point to be debated is, whether he has any right to gather, or mix his labour with, that which, by the hypothesis, previously belonged to mankind at large. It may be quite true that the labour a man expends in catching or gathering, gives him a better right to the thing caught or gathered, than any *one* other man; but the question at issue is, whether by labour so expended, he has made his right to the thing caught or gathered, greater than the pre-existing rights of *all* other men put together.

Further difficulties are suggested by the qualification, that the claim to any article of property thus obtained, is valid only "when there is enough and as good left in common for others." A condition like this gives birth to such a host of queries, doubts, and limitations, as practically to neutralize the general proposition entirely. It may be asked, for example—How is it to be known that enough is "left in common for others?" Who can determine whether what remains is "as good" as what is taken? How if the remnant is less accessible? If there is not enough "left in common for others," how must the right of appropriation be exercised? Why, in such case, does the mixing of labour with the acquired object, cease to "exclude the common right

of other men"? Supposing *enough* to be attainable, but not all equally *good*, by what rule must each man choose? Out of which inquisition it seems impossible to liberate the alleged right, without such mutilations as to render it, from an ethical point of view, entirely valueless.

Thus, as already hinted, we find that the circumstances of savage life, render the principles of abstract morality inapplicable; for it is impossible, under pre-social conditions, to determine the rightness or wrongness of certain actions by comparing the amounts of freedom assumed by those concerned.

SOCIALISM.

THE doctrine that all men have equal rights to the use of the Earth, seems at first sight, to countenance a species of social organization, at variance with that from which the right of property has just been deduced;* an organization, namely, in which the public, instead of letting out the land to individual members of their body, shall retain it in their own hands; cultivate it by joint-stock agency; and share the produce: in fact, what is usually termed Socialism or Communism.

Plausible though it may be, such a scheme is not capable of realization in strict conformity with the moral law. Of the two forms under which it may be presented, the one is ethically imperfect, and the other, although correct in theory, is impracticable.

Thus, if an equal portion of the earth's produce is awarded to every man, irrespective of the amount or quality of the labour he has contributed towards the obtainment of that produce, a breach of equity is committed. Our first principle requires, not that all shall have like shares of the things which minister to the gratification of the faculties, but that all shall have like freedoms to pursue those things—shall have like scope. It is one thing to give to each an opportunity of acquiring the objects he desires; it is another, and quite a different thing, to give the objects themselves, no

* Referring to an omitted part of the last chapter, the argument of which, with modifications, will now be found in Part IV of *The Principles of Ethics*.

matter whether due endeavour has or has not been made to obtain them. Nay more, it necessitates an absolute violation of the principle of equal freedom. For when we assert the entire liberty of each, bounded only by the like liberties of all, we assert that each is free to do whatever his desires dictate, within the prescribed limits—that each is free, therefore, to claim for himself all those gratifications, and sources of gratification, attainable by him within those limits—all those gratifications, and sources of gratification, which he can procure without trespassing on the spheres of action of his neighbours. If, therefore, out of many starting with like fields of activity, one obtains, by his greater strength, greater ingenuity, or greater application, more gratifications and sources of gratification than the rest, and does this without trenching upon the equal freedoms of the rest, the moral law assigns him an exclusive right to all those extra gratifications and sources of gratification; nor can the rest take them from him without claiming for themselves greater liberty of action than he claims, and thereby violating that law. Whence it follows, that an equal apportionment of the fruits of the earth among all, is not consistent with pure justice.

If, on the other hand, each is to have allotted to him a share of produce proportionate to the degree in which he has aided production, the proposal, while it is abstractedly just, is no longer practicable. Were all men cultivators of the soil, it would perhaps be possible to form approximately true estimates of their several claims. But to ascertain the respective amounts of help given by different kinds of mental and bodily labourers, towards procuring the general stock of the necessaries of life, is an impossibility. We have no means of making such a division save that afforded by the balancing of supply and demand, and this the hypothesis excludes.

If, as M. Proudhon asserts, "all property is robbery"—if no one can equitably become the exclusive possessor of any

article, or, as we say, obtain a right to it—then, among other consequences, it follows that a man can have no right to the things he consumes for food. And if these are not his before eating them, how can they become his at all? As Locke asks, "when do they begin to be his? when he digests? or when he eats? or when he boils? or when he brings them home?" If no previous acts can make them his property, neither can any process of assimilation do it: not even absorption of them into the tissues. Wherefore, pursuing the idea, we arrive at the curious conclusion, that as the whole of his bones, muscles, skin, &c., have been thus built up from nutriment not belonging to him, a man has no property in his own flesh and blood—has no more claim to his own limbs than he has to the limbs of another; and has as good a right to his neighbour's body as to his own! Did we exist after the same fashion as those compound polyps, in which a number of individuals are based upon a living trunk common to them all, such a theory would be rational enough. But until Communism can be carried to that extent, it will be best to stand by the old doctrine.

THE RIGHT OF PROPERTY IN IDEAS.

THAT a man's right to the produce of his brain is equally valid with his right to the produce of his hands, is a fact which has yet obtained but a very imperfect recognition. It is true that we have patent laws, a law of copyright, and acts for the registration of designs; but these, or at any rate two of them, have been enacted not so much in obedience to the dictates of justice, as in deference to the suggestions of trade-policy. "A patent is not a thing which can be claimed as a right," we are told by legal authorities, but is intended to "act as a stimulus to industry and talent." It is not because the piracy of patterns would be wrong that legislators forbid it, but because they wish to afford "encouragement to manufacturers." Similar also are the current opinions. Measures of this nature are commonly considered by the public as giving to inventors a certain "privilege," a "reward," a sort of modified "monopoly."

The prevalence of such a belief is by no means creditable to the national conscience. To think that the profits which a speculator makes by a rise in the share-market, should be recognized as legally and equitably his property, and yet that some new combination of ideas, which it may have cost an ingenious man years of application to complete, cannot be "claimed as a right" by that man! To think that a sinecurist should be held to have a "vested interest" in his office, and a just title to compensation if it is abolished, and yet that an invention over which no end of mental toil has been

spent, and on which the poor mechanic has laid out perhaps his last sixpence—an invention which he has completed entirely by his own labour and with his own materials—has wrought, as it were, out of the very substance of his own mind—should not be acknowledged as his property! To think that his title to it should be admitted merely as a matter of convenience—admitted even then only on payment of some £400—and, after all, quashed on the most trifling pretences! What a thick-skinned perception of justice does this show! One would think that equity afforded no guidance beyond transactions in material things—weights, measures, and money. Let a shop-boy take from his master's till a visible, tangible, ponderable sovereign, and all can see that the rights of ownership have been violated. Yet those who exclaim with such indignant virtue against theft, will purchase a pirated edition of a book, without any qualms of conscience concerning the receipt of stolen goods. Dishonesty, when shown in house-breaking or sheep-stealing, is held up to eternal infamy; but the manufacturer who steals his foreman's improved plan for the spinning of cotton, or the building of steam engines, continues to be held in high respect. The law is active enough in apprehending the urchin who may have deprived some comfortable citizen of his pocket-handkerchief; but there is no redress for the poverty-stricken schemer who is robbed by some wealthy scamp of that which formed the sole hope of his life.

It is a common notion that the exclusive use by its discoverer of any new or improved mode of production, is a species of monopoly, in the sense in which that word is conventionally used. To let a man have the entire benefit accruing from the employment of some more efficient machine, or better process invented by him; and to allow no other person to adopt and apply for his own advantage the same plan, they hold to be an injustice. Nor are there wanting philanthropic and even thinking men, who consider

that the valuable ideas originated by individuals — ideas which may be of great national advantage—should be taken out of private hands and thrown open to the public at large.

"And pray, gentlemen," an inventor might fairly reply, "why may not I make the same proposal respecting your goods and chattels, your clothing, your houses, your railway shares, and your money in the funds? If you are right in the interpretation you give to the term 'monopoly,' I do not see why that term should not be applied to the coats on your backs and the provisions on your dinner tables. With equal reason I might argue that you unjustly 'monopolize' your furniture, and that you ought not in equity to have the 'exclusive use' of so many apartments. If 'national advantage' is to be the supreme rule, why should we not appropriate your wealth, and the wealth of others like you, to the liquidation of the State-debt? True, as you say, you came honestly by all this property; but so did I by my invention. True, as you say, this capital, on the interest of which you subsist, was acquired by years of toil—is the reward of persevering industry: well, I may say the like of this machine. While you were gathering profits, I was collecting ideas; the time you spent in conning the prices current, was employed by me in studying mechanics; your speculations in new articles of merchandise, answer to my experiments, many of which were costly and fruitless; when you were writing out your accounts, I was making drawings; and the same perseverance, patience, thought, and toil, which enabled you to make a fortune, have enabled me to complete my invention. Like your wealth, it represents so much accumulated labour; and I am living upon the profits it produces me, just as you are living upon the interest of your invested savings. Beware, then, how you question my claim. If I am a monopolist, so also are you; so also is every man. If I have no right to these products of my brain, neither have you to those of your hands. No one can become the

sole owner of any article whatever; and all property is 'robbery.'"

They fall into a serious error who suppose that the exclusive right assumed by a discoverer, is something taken from the public. He who in any way increases the powers of production, is seen by all, save a few insane Luddites, to be a general benefactor. The successful inventor makes a further conquest over nature. He economizes labour—helps to emancipate men from their slavery to the needs of the body. He cannot, if he would, prevent society from largely participating in his good fortune. Before he can gain any benefit from his new process or apparatus, he must first confer a benefit on his fellow men—must either offer them a better article at the price usually charged, or the same article at a less price. If he fails to do this, his invention is a dead letter; if he does it, he makes society a partner in the new mine of wealth he has opened.

Let us remember, too, that in this, as in other cases, disobedience to the moral law is ultimately detrimental to all. It is a well-proved fact that the insecurity of material property which results from general dishonesty, inevitably reacts to the punishment of society. Industrial energy diminishes in proportion to the uncertainty of its reward. Those who do not know that they shall reap will not sow. Instead of employing it in business, capitalists hoard what they possess, because productive investments are dangerous. Hence arises a universal straitness of means. Every enterprise is crippled by want of confidence. And from general distrust spring general discouragement, apathy, idleness, poverty, and their attendant miseries, involving alike all grades of men. Similar in kind, and less only in degree, is the curse attendant upon insecurity of property in ideas. "If," argues the inventor, "others are to enjoy the fruits of these wearisome studies and these numberless experiments, why should I continue them? If, in addition to all the possibili-

ties of failure in the scheme itself, all the time, trouble, and expense of my investigations, I am liable to be deprived of my right, I ought to abandon the project at once." And although such reflections may often fail to extinguish the sanguine hopes of an inventor, yet after having once suffered the losses which, ten to one, society will inflict upon him, he will take good care never again to enter on a similar undertaking. Whatever other ideas he may then or subsequently entertain will remain undeveloped and probably die with him. Were people duly to appreciate the consequent check put on the development of the means of production, and could they properly estimate the loss thereby entailed on themselves, they would begin to see that the recognition of the right of property in ideas, is only less important than the recognition of the right of property in goods.

In consequence of the probability, or perhaps we may say the certainty, that the causes leading to the evolution of a new idea in our mind, will eventually produce a like result in some other mind, the claim above set forth must not be admitted without limitation. Many have remarked the tendency which exists for an invention or discovery to be made by independent investigators nearly at the same time. There is nothing really mysterious in this. A certain state of knowledge, a recent advancement in science, the occurrence of some new social want,—these form the conditions under which minds of similar characters are stimulated to like trains of thought, ending as they are prone to do in kindred results. Such being the fact, there arises a qualification to the right of property in ideas, which it seems difficult and even impossible to specify definitely. The laws of patent and copyright express this qualification by confining the inventor's or author's privilege within a certain term of years. But in what way the length of that term may be found with correctness there is no saying.

THE RIGHTS OF WOMEN.

WHOSO urges the mental inferiority of women in bar of their claim to equal rights with men, may be met in various ways.

1. If rights are to be meted out to the two sexes in the ratio of their respective amounts of intelligence, then must the same system be acted upon in the apportionment of rights between man and man. Whence must proceed all those multiplied perplexities already pointed out. (See p. 58.)

2. In like manner it will follow that, as there are here and there women of unquestionably greater ability than the average of men, some women ought to have greater rights than some men.

3. Wherefore, instead of a certain fixed allotment of rights to all males and another to all females, the hypothesis itself involves an infinite gradation of rights, irrespective of sex entirely, and sends us once more in search of those unattainable desiderata—a standard by which to measure capacity, and another by which to measure rights.

Not only, however, does the theory thus fall to pieces under the mere process of inspection; it is absurd on the face of it, when freed from the disguise of hackneyed phraseology. For what is it that we mean by rights? Nothing else than freedom to exercise the faculties. And what is the meaning of the assertion that woman is mentally inferior to man? Simply that her faculties are less powerful. What then does the dogma, that because woman is mentally infe-

rior to man she has less extensive rights, amount to? Just this,—that because woman has weaker faculties than man, she ought not to have like liberty with him to exercise the faculties she *has!*

Men's wishes eventually get expressed in their faiths—their real faiths, that is; not their merely nominal ones. A fiery passion consumes all evidences opposed to its gratification, and fusing together those that serve its purpose, casts them into weapons by which to achieve its end. There is no deed so vicious but what the actor excuses to himself; and if the deed is often repeated the excuse becomes a creed. The vilest transactions—Bartholomew massacres and the like—have had defenders; nay, have been inculcated as fulfilments of the divine will. There is wisdom in the fable which represents the wolf as raising accusations against the lamb before devouring it. No invader ever raised standard, but persuaded himself that he had a just cause. Sacrifices and prayers have preceded every military expedition, from one of Cæsar's campaigns down to a border foray. God is on our side, is the universal cry. Each of two conflicting nations consecrates its flags; and whichever conquers sings a *Te Deum*. Attila conceived himself to have a "divine claim to the dominion of the Earth;" the Spaniards subdued the Indians under plea of converting them to Christianity, hanging thirteen refractory ones in honour of Jesus Christ and his apostles; and we English justify our colonial aggressions by saying that the Creator intends the Anglo-Saxon race to people the world! An insatiate lust of conquest transmutes manslaying into a virtue; and, in more races than one, implacable revenge has made assassination a duty. A clever theft was praiseworthy among the Spartans; and it is equally so among Christians, provided it be on a sufficiently large scale. Piracy was heroism with Jason and his followers; was so also with the Norsemen; is so still with the Malays; and there is never wanting some golden fleece for a pretext. Among money-hunting people a man is commended in proportion to

the number of hours he spends in business. In our day the rage for accumulation has apotheosized work. And even the miser is not without a code of morals by which to defend his parsimony. The monks held printing to be an invention of the devil; and some of our modern sectaries regard their refractory brethren as under demoniacal possession.

This sway of feeling over belief everywhere determines men's ideas about their relations to women, which are harsh in proportion as the social state is barbarous. Look where we will, we find that just as far as the law of the strongest regulates the relationships between man and man, does it regulate the relationships between man and woman. Despotism in the state is associated with despotism in the family. Turkey, Egypt, India, China, Russia, the feudal states of Europe—it needs but to name these to suggest hosts of illustrative facts.

The arbitrary rule of one human being over another, is fast becoming recognized as essentially rude and brutal. In our day, the man of refined feeling does not like to play the despot over his fellow. He is disgusted if one in humble circumstances cringes to him. So far from wishing to elevate himself by depressing his poor and ignorant neighbours, he strives to put them at their ease in his presence—encourages them to behave in a less submissive and more self-respecting manner. He feels that a fellow-man may be enslaved by imperious words and manners as well as by tyrannical deeds; and hence he avoids a dictatorial style of speech to those below him. Even paid domestics, to whose services he has obtained a right by contract, he does not like to address in a tone of authority. He seeks rather to disguise his character of master; to this end wraps up his commands in the shape of requests; and continually employs the phrases, "If you please," and "Thank you."

In the conduct of the modern gentleman to his friend, we have additional signs of this growing respect for another's

dignity. Every one must have observed the carefulness with which those who are on terms of affectionate intimacy, shun anything in the form of supremacy on either side, or endeavour to banish from remembrance, by their behaviour to each other, whatever of supremacy there may exist. Who is there that has not witnessed the dilemma in which the wealthier of two such is sometimes placed, between the wish to confer a benefit on the other, and the fear that in so doing he may offend by assuming the attitude of a patron? And who is there that does not feel how destructive it would be of the sentiment subsisting between himself and his friend, were he to play the master over his friend, or his friend to play the master over him?

A further increase of this same refinement will show men that there is a fatal incongruity between the matrimonial servitude which our law recognizes, and the relation that *ought* to exist between husband and wife. Surely if he who possesses any generosity of nature dislikes speaking to a hired domestic in a tone of authority—if he cannot bear assuming towards his friend the behaviour of a superior—how utterly repugnant to him should it be, to make himself ruler over one on whose behalf all his kindly sentiments are specially enlisted, and for whose rights and dignity he ought to have the most active sympathy!

Command is a blight to the affections. Whatsoever of beauty—whatsoever of poetry, there is in the passion that unites the sexes, withers up and dies in the cold atmosphere of authority. Native as they are to such widely-separated regions of our nature, Love and Coercion cannot possibly flourish together. Love is sympathetic: Coercion is callous. Love is gentle: Coercion is harsh. Love is self-sacrificing: Coercion is selfish. How then can they co-exist? It is the property of the first to attract, while it is that of the last to repel; and, conflicting as they thus do, it is the constant tendency of each to destroy the other. Let whoever thinks the two compatible imagine himself acting the master over his

betrothed. Does he believe that he could do this without any injury to the subsisting relationship? Does he not know rather that a bad effect would be produced upon the feelings of both by the assumption of such an attitude? And confessing this, as he must, is he superstitious enough to suppose that the going through a form of words will render harmless that use of command which was previously hurtful?

There are many who think that authority, and its ally compulsion, are the sole agencies by which human beings can be controlled. Anarchy or government are, with them, the only conceivable alternatives. Believing in nothing but what they see, they cannot realize the possibility of a condition of things in which peace and order shall be maintained without force, or the fear of force. By such as these, the doctrine that the reign of man over woman is wrong, will no doubt be combated on the ground that the domestic relationship can only exist by the help of such supremacy. The impracticability of an equality of rights between the sexes will be urged by them in disproof of its rectitude. It will be argued that were they put upon a level, husband and wife would be for ever in antagonism—that as, when their wishes clashed, each would possess a like claim to have his or her way, the matrimonial bond would daily be endangered by the jar of opposing wills, and that, involving as it would a perpetual conflict, such an arrangement of married life must necessarily be an erroneous one.

A very superficial conclusion this. It has been already pointed out (p. 26), that there *must* be an inconsistency between the perfect law and an imperfect state. The worse the condition of society the more visionary must a true code of morality appear. The fact that any proposed principle of conduct is at once fully practicable—requires no reformation of human nature for its complete realization—is not a proof of its truth: is proof rather of its error. And, conversely, a certain degree of incongruity between such a principle and

humanity as we know it, though no proof of the correctness of that principle, is at any rate a fact in its favour. Hence the allegation that mankind are not good enough to admit of the sexes living together harmoniously under the law of equal freedom, in no way militates against the validity or sacredness of that law.

But the never-ceasing process of adaptation will gradually remove this obstacle to domestic rectitude. Recognition of the moral law and an impulse to act up to it, going hand in hand, as we have seen that they must do (p. 20), equality of rights in the married state will become possible as fast as there arises a perception of its justness. As elsewhere shown (p. 50), the same sentiment which leads us to maintain our own rights, leads us, by its sympathetic excitement, to respect the rights of our neighbours. A state in which every one is jealous of his natural claims, is not therefore a litigious state, because if there is a due fellow feeling there is of necessity a diminished tendency to aggression. Experience proves this. For, as it cannot be denied that there is now a greater disposition among men towards the assertion of individual liberty than existed during the feudal ages, so neither can it be denied that there is now a less disposition among men to trespass against each other than was then exhibited. The two changes are co-ordinate, and must continue to be so. Hence, whenever society shall have become civilized enough to recognize the equality of rights between the sexes—when women shall have attained to a clear perception of what is due to them, and men to a nobility of feeling which shall make them concede to women the freedom which they themselves claim—humanity will have undergone such a modification as to render an equality of rights practicable.

Married life under this ultimate state of things will not be characterized by perpetual squabbles, but by mutual concessions. Instead of a desire on the part of the husband to assert his claims to the uttermost, regardless of those of his wife, or on the part of the wife to do the like, there

will be a watchful desire on both sides not to transgress. Neither will have to stand on the defensive, because each will be solicitous for the rights of the other. Committing a trespass will be the thing feared, and not the being trespassed against.

[NOTE.—For the author's views concerning the political position of women, the reader is referred to Part IV of *The Principles of Ethics*, treating of Justice, Chapters xx and xxiv.]

THE RIGHTS OF CHILDREN.

As an abstract truth we all admit that passion distorts judgment; yet we never inquire whether our passions are influencing us. We all decry prejudice, yet are all prejudiced. We see how habits, and interests, and likings, mould the theories of those around us; yet forget that our own theories are similarly moulded. Nevertheless, the instances in which our feelings bias us in spite of ourselves are of hourly recurrence. That proprietary passion which a man has for his ideas, veils their defects from him as effectually as maternal fondness blinds a mother to the imperfections of her offspring. An author cannot, for the life of him, judge correctly of what he has just written: he has to wait until lapse of time enables him to read it as though it were a stranger's, and he then discerns flaws where all had seemed perfect. It is only when his enthusiasm on its behalf has grown cold, that the artist is able to see the faults of his picture. While they are transpiring, we do not perceive the ultimate bearings of our own acts or the acts of others towards us: only in after years are we able to philosophize upon them. Just so, too, is it with successive generations. Men of the past quite misunderstood the institutions they lived under. They pertinaciously adhered to the most vicious principles, and were bitter in their opposition to right ones, at the dictates of their attachments and antipathies. So difficult is it for man to emancipate himself from the invisible fetters which habit and education cast over his intellect; and so palpable is the consequent incompetency of a people to judge rightly of itself

and its deeds or opinions, that the fact has been embodied in the aphorism—"No age can write its own history."

If we [redacted]wisely, we shall assume that the reasonings of modern society are subject to the like disturbing influences. We shall conclude that, even now, as in times gone by, opinion is but the counterpart of condition. We shall suspect that many of those convictions which seem the results of dispassionate thinking, have been nurtured in us by circumstances. We shall confess that as, heretofore, fanatical opposition to this doctrine and bigoted adhesion to that, have been no tests of the truth or falsity of the said doctrines; so neither is the strength of attachment or dislike which a nation now exhibits towards certain principles, any proof of their correctness or their fallacy.

We say that a man's character may be told by the company he keeps. We might similarly say that the truth of a belief may be judged by the beliefs with which it is associated. Given a theory universally current among degraded sections of our race—a theory received only with considerable abatements by civilized nations—a theory in which men's confidence diminishes as fast as society advances; and we may safely pronounce that theory to be a false one. On such, along with other evidence, the subordination of sex was lately condemned. Those commonly-observed facts, that the enslavement of woman is invariably associated with a low type of social life, and that, conversely, her elevation uniformly accompanies progress, were cited in part proof that the subjection of female to male is wrong. If now, instead of *women* we read *children*, kindred facts may be cited, and a kindred deduction may be drawn. If it be true that the dominion of man over woman has been oppressive in proportion to the badness of the age or the people, it is also true that parental authority has been stringent and unlimited in a like proportion. If it be a fact that the emancipation of women has kept pace with the emancipation of society, it is

likewise a fact that the once despotic rule of the old over the young has been ameliorated at the same rate.

Whoever wants illustrations of this alleged harmony between the political, connubial, and filial relationships, may discover them everywhere. Scanning those primitive states of humanity during which the aggressive conduct of man to man renders society scarcely possible, he will see not only that wives are slaves and exist by sufferance, but that children hold their lives by the same tenure, and are sacrificed to the gods when fathers so will. He may observe how, during classic times, the thraldom of five-sixths of the population was accompanied both by a theory that the child is the property and slave of its male parent, and by a legal fiction which regarded wives as children similarly owned. In China, under a government purely autocratic, there exists a public opinion which deems it an unpardonable offence for a wife to accuse her husband to the magistrate, and which ranks filial disobedience as a crime next in atrocity to murder. Nor is our own history barren of illustrations. On reviewing those times when constitutional liberty was but a name, when men were denied freedom of speech and belief, when the people's representatives were openly bribed and justice was bought—the times, too, with which the laws enacting the servitude of women were in complete harmony—the observer cannot fail to be struck with the harshness of parental behaviour, and the attitude of humble subjection which sons and daughters had to assume. Between the last century, when our domestic condition was marked by the use of *Sir* and *Madam* in addressing parents, and by the doctrine that a child ought unhesitatingly to marry whomsoever a father appointed, and when our political condition was marked by aristocratic supremacy, by the occurrence of church-and-king riots, and by the persecution of reformers—between that day and ours, the decline in the rigour of paternal authority and in the severity of political control, has been simultaneous. And the like companionship of facts is seen in the present rapid

growth of democratic feeling, and the equally rapid spread of a milder system of juvenile training.

Considering what universal attention the culture of the young has lately received, there is reason for concluding that as the use of brute force for educational purposes has greatly declined, something radically wrong must be involved in it. But without dwelling upon this, which, like all inferences drawn from expediency, is liable to have its premises called in question, let us judge of coercive education not by the effects it is *believed* to produce, but by those it *must* produce.

Education has for a chief object the formation of character. To curb restive propensities, to awaken dormant sentiments, to strengthen the perceptions and cultivate the tastes, to encourage this feeling and repress that, so as finally to develop the child into a man of well proportioned and harmonious nature—this is alike the aim of parent and teacher. Those, therefore, who advocate coercion in the management of children, must do so because they think it the best means of compassing the desired object—formation of character. Paternity has to devise some kind of rule for the nursery. Impelled partly by creed, partly by custom, partly by inclination, paternity decides in favour of a pure despotism, and exhibits the rod as the final arbiter in all disputes. And of course this system of discipline is defended as the one best calculated to curb restive propensities, awaken dormant sentiments, &c., as aforesaid. Suppose, now, we ask how the plan works. An unamiable little urchin is pursuing his own gratification regardless of the comfort of others—is perhaps annoyingly vociferous in his play; or is amusing himself by teasing a companion; or is trying to monopolize the toys intended for others in common with himself. Well; some kind of interposition is manifestly called for. Paternity with knit brows and in a severe tone, commands desistance—visits anything like reluctant submission with a sharp "Do as I bid you"—if need be, hints at a whipping or the black hole. After sundry exhibitions of perverse feeling, the child gives in; show-

ing, however, by its sullenness the animosity it entertains. Meanwhile paternity pokes the fire and complacently resumes the newspaper, under the impression that all is as it should be. Most unfortunate mistake!

If the thing wanted had been the mere repression of noise, or the mechanical transfer of a plaything, perhaps no better course could have been pursued. Had it been of no consequence under what impulse the child acted, so long as it fulfilled a given mandate, nothing would remain to be said. But something else was needed. It was not the deeds, but the feeling from which the deeds sprung that required dealing with. Here were palpable manifestations of selfishness —exhibitions on a small scale of that unsympathetic nature to which our social evils are mainly attributable. What, then, was the thing wanted? Clearly to generate a state of mind which, had it previously existed, would have prevented the offending actions. Or, speaking definitely, it was necessary to strengthen that sympathy to the weakness of which the ill behaviour was traceable.

But sympathy can be strengthened only by exercise. No faculty whatever will grow, save by the performance of its special function—a muscle by contraction; the intellect by perceiving and thinking; a moral sentiment by feeling. Sympathy, therefore, can be increased only by exciting sympathetic emotions. A selfish child is to be rendered less selfish, only by arousing in it a fellow-feeling with the desires of others.

Observe, then, how the case stands. A grasping hard-natured boy is to be humanized; and to this end it is proposed to use frowns, threats, and the stick! To stimulate that faculty which originates our regard for the happiness of others, we are told to inflict pain, or the fear of pain! The problem is to generate in a child's mind more fellow-feeling; and the answer is—beat it, or send it supperless to bed!

Let those who have no faith in any instrumentalities for the rule of human beings save the stern will and the strong

hand, visit the Hanwell Asylum for the insane. Let all self-styled practical men, who, in the pride of their semi-savage theories, shower sarcasms upon the movements for peace, for the abolition of capital punishments, and the like, go and witness to their confusion how a thousand lunatics can be managed without the use of force. Let these sneerers at "sentimentalisms" reflect on the horrors of madhouses as they used to be; where was weeping and wailing and gnashing of teeth, where chains clanked dismally, and where the silence of the night was rent by shrieks that made the belated passer-by hurry on shudderingly. Let them contrast with these horrors the calmness, the contentment, the tractability, the improved health of mind and body, and the not unfrequent recoveries, that have followed the abandonment of the strait-jacket *régime:* * and then let them blush for their creed.

And shall the poor maniac, with diseased feelings and a warped intellect, persecuted as he constantly is by the suggestions of a morbid imagination,—shall a being with a mind so hopelessly chaotic that even the most earnest pleader for human rights would make his case an exception,—shall he be amenable to a non-coercive treatment, and shall a child not be amenable to it? Will any one maintain that madmen can be managed by suasion but not children? that moral-force methods are best for those deprived of reason, but physical-force methods for those possessing it? Hardly. If by judicious conduct the confidence even of the insane may be obtained—if even to the beclouded intelligence of a lunatic, kind attentions and a sympathetic manner will carry the conviction that he is surrounded by friends and not by demons—and if, under that conviction, even he, though a slave to every disordered impulse, becomes comparatively docile, how much more under the same influence will a child become so. Do but gain a boy's trust; convince him

* See Dr. Conolly on Lunatic Asylums.

by your behaviour that you have his happiness at heart; let him discover that you are the wiser of the two; let him experience the benefits of following your advice and the evils that arise from disregarding it; and fear not you will readily enough guide him.

If we wish a boy to become a good mechanic we ensure his expertness by an early apprenticeship. The young musician, that is to be, passes several hours a day at his instrument. Initiatory courses of outline drawing and shading are gone through by the intended artist. For the future accountant, a thorough drilling in arithmetic is prescribed. The reflective powers are sought to be developed by the study of mathematics. Thus, all training is founded on the principle that culture must precede proficiency. In such proverbs as—"Habit is second nature," and "Practice makes perfect," men have expressed those net products of universal observation on which every educational system is ostensibly based.

What now is the most important attribute of man as a moral being? May we not answer—the faculty of self-control? This it is which forms a chief distinction between the human being and the brute. It is in virtue of this that man is defined as a creature "looking before and after." It is in their larger endowment of this that the civilized races are superior to the savage. In supremacy of this consists one of the perfections of the ideal man. Not to be impulsive—not to be spurred hither and thither by each desire which in turn comes uppermost; but to be self-restrained, self-balanced, governed by the joint decision of the feelings in council assembled, before whom every action shall have been fully debated and calmly determined—this it is which moral education strives to produce.

But the power of self-government, like all other powers, can be developed only by exercise. Whoso is to rule over his passions in maturity, must be practised in ruling over

his passions during youth. Observe, then, the absurdity of the coercive system. Instead of habituating a boy to be a law to himself, as he is required in after-life to be, it administers the law for him. Instead of preparing him against the day when he shall leave the paternal roof, by inducing him to fix the boundaries of his actions and voluntarily confine himself within them, it marks out these boundaries for him, and says—"cross them at your peril." Here we have a being who, in a few years, is to become his own master, and, by way of fitting him for such a condition, he is allowed to be his own master as little as possible. While in every other particular it is thought desirable that what the man will have to do, the child should be well drilled in doing, in this most important of all particulars it is thought that the less practice he has the better. No wonder that those who have been brought up under the severest discipline so frequently turn out the wildest of the wild.

Indeed, not only does the physical-force system fail to fit the youth for his future position; it absolutely tends to *un*-fit him. Were slavery to be his lot—if his after-life had to be passed under the rule of a Russian autocrat, or of an American cotton planter, no better method of training could be devised than one which accustomed him to that attitude of complete subordination he would subsequently have to assume. But just to the degree in which such treatment would fit him for servitude, must it unfit him for being a free man among free men.

But why is education needed at all? Why does not the child grow spontaneously into a normal human being? Why should it be requisite to curb this propensity, to stimulate the other sentiment, and thus by artificial means to shape the mind into something different from what it would of itself become? Is not there here an anomaly in nature? Throughout the rest of creation we find the seed and the embryo

attaining to perfect maturity without external aid. Drop an acorn into the ground, and it will in due time become a healthy oak without either pruning or training. The insect passes through its several transformations unhelped, and arrives at its final form possessed of every needful capacity and instinct. No coercion is needed to make the young bird or quadruped adopt the habits proper to its future life: its character like its body, spontaneously assumes complete fitness for the part it has to play in the world. How happens it, then, that the human mind alone tends to develop itself wrongly? Must there not be some exceptional cause for this? Manifestly: and if so a true theory of education must recognize this cause.

It is an indisputable fact that the moral constitution which fitted man for his original predatory state, differs from the one needed to fit him for this social state to which multiplication of the race has led. In a foregoing part of our inquiry it was shown that adaptation is effecting a transition from the one constitution to the other. Living then, as we do, in the midst of this transition, we must expect to find traits of nature which are explicable only on the hypothesis that humanity is at present partially adapted to both these states, and not completely to either—has only in a degree lost the dispositions needed for savage life, and has but imperfectly acquired those needed for social life. The anomaly just specified is one of these. Those respects in which a child requires restraint are the respects in which he is taking after the aboriginal man. The selfish squabbles of the nursery, the persecutions of the play-ground, the lyings and petty thefts, the rough treatment of inferior creatures, the propensity to destroy—all these imply that tendency to pursue gratification at the expense of other beings, which qualified man for the wilderness, and which disqualifies him for civilized life.

We have seen, however, that the instincts of the savage must decrease from inactivity, while the sentiments called forth by the social state must grow by exercise. These modi-

fications will continue until our desires are brought into conformity with our circumstances. When that ultimate state in which morality shall have become organic is arrived at, this anomaly in the development of the child's character will have disappeared. The young human being will no longer be an exception in Nature, but will spontaneously unfold into a form fitted for the requirements of after-life.

And here we are naturally led to remark once more the necessary incongruity between the perfect law and the imperfect man. Whatsoever of Utopianism there may seem to be in the foregoing doctrines, is due not to any error in them but to faults in ourselves. A partial impracticability must not perplex us—must, on the contrary, be expected. Just in proportion to our distance below the purely moral state, must be our difficulty in acting up to the moral law, either in the treatment of children or in anything else.

Meanwhile let it be remarked that the main obstacle to the right conduct of education lies rather in the parent than in the child. It is not that the child is insensible to influences higher than that of force, but that the parent is not virtuous enough to use them. Fathers and mothers who enlarge on the trouble which filial misbehaviour entails upon them, strangely assume that all the blame is due to the evil propensities of their offspring and none to their own. Though on their knees they confess to being miserable sinners, yet to hear their complaints of undutiful sons and daughters you might suppose that they were themselves immaculate. They forget that the faults of their children are reproductions of their own faults. They do not recognize in these much-scolded, often-beaten little ones so many looking-glasses wherein they may see reflected their own selfishness. It would astonish them to assert that they behave as improperly to their children as their children do to them. Yet a little candid self-analysis would show them that half their commands are issued more for their own convenience or gratifica-

tion than for corrective purposes. Uncover its roots, and the theory of coercive education will be found to grow not out of man's love of his offspring but out of his love of dominion. Let any one who doubts this listen to that common reprimand—"How *dare* you disobey me?" and then consider what the emphasis means. No, no, moral-force education is widely practicable even now, if parents were civilized enough to use it.

But of course the obstacle is in a measure reciprocal. Even the best samples of childhood as we now know it will be occasionally unmanageable by suasion; and when inferior natures have to be dealt with, the difficulty of doing without coercion must be proportionably great. Nevertheless patience, self-denial, a sufficient insight into youthful emotions, and a due sympathy with them, added to a little ingenuity in the choice of means, will usually accomplish far more than is supposed.

[NOTE.—These fragments of a chapter do not directly touch the question of the Rights of Children. A revised conception of these rights, duly qualified by recognition of the claims of parents, will be found in *The Principles of Ethics*, Part IV:—Justice.]

POLITICAL RIGHTS.

THERE have been books written to prove that the monarch's will should be the subject's absolute law; and if instead of monarch we read legislature, we have the expediency-theory. It merely modifies "divine right of kings" into divine right of majorities. It is despotism democratized. Between that old eastern *régime* under which the citizen was the private property of his ruler, having no rights at all, and that final *régime* under which his rights will be entire and inviolable, there comes this intermediate state in which he is allowed to possess rights, but only by sufferance of parliament. Thus the expediency-philosophy falls naturally into its place as a phenomenon attending our progress from past slavery to future freedom.

The self-importance of a Malvolio is sufficiently ludicrous; but we must go far beyond it to parallel the presumption of legislatures. Some steward who construed his stewardship into proprietorship, would more fitly illustrate it. Were such an one to argue that the estate he was appointed to manage had been virtually resigned into his possession—that to secure the advantages of his administration its owner had given up all title to it—that he now lived on it only by his (the steward's) sufferance—and that he was in future to receive no emoluments from it, except at his (the steward's) good pleasure—then should we have an appropriate travesty upon the behaviour of governments to nations; then should we

have a doctrine analogous to this fashionable one, which teaches how men on becoming members of a community, give up their natural rights for the sake of certain social advantages. Disciples of Hobbes and Bentham will doubtless protest against such an interpretation of it. Let us submit them to a cross-examination.

"Your hypothesis that, when they entered into the social state, men surrendered their original freedom, implies that they entered into such state voluntarily, does it not?"

"It does."

"Then they must have considered the social state preferable to that under which they had previously lived?"

"Necessarily."

"Why did it appear preferable?"

"Because it offered greater security."

"Greater security for what?"

"Greater security for life, for property, and for the things that minister to happiness."

"Exactly. To get more happiness: that must have been the object. If they had expected to get more *un*happiness, they would not have willingly made the change, would they?"

"No."

"Does not happiness consist in the due satisfaction of all the desires? in the due exercise of all the faculties?"

"Yes."

"And this exercise of the faculties is impossible without freedom of action. The desires cannot be satisfied without liberty to pursue and use the objects of them."

"True."

"Now it is this freedom to exercise the faculties within specific limits, which we signify by the term 'rights,' is it not?"

"It is."

"Well, then, summing up your answers, it seems that, by your hypothesis, man entered the social state voluntarily; which means that he entered it for the sake of obtaining

greater happiness; which means that he entered it to obtain fuller exercise of his faculties; which means that he entered it to obtain security for such exercise; which means that he entered it for the guaranteeing of his 'rights.'" "Wherefore, either way we find that the preservation of rights was the object sought."

"So it would seem."

"But your hypothesis is that men give up their rights on entering the social state?"

"Yes."

"See now how you contradict yourself. You assert that on becoming members of a society, men give up what, by your own showing, they joined it the better to obtain!"

Of the many political superstitions, none is so widely diffused as the notion that majorities are omnipotent. Under the impression that the preservation of order will ever require power to be wielded by some party, the moral sense of our time feels that such power cannot rightly be exercised by any but the largest moiety of society. It interprets literally the saying that "the voice of the people is the voice of God;" and, transferring to the one the sacredness attached to the other, it concludes that from the will of the people, that is, of the majority, there can be no appeal. Yet is this belief entirely erroneous.

Suppose, for the sake of argument, that, struck by some Malthusian panic, a legislature duly representing public opinion were to enact that all children born during the next ten years should be drowned. Does any one think such an enactment would be warrantable? If not, there is evidently a limit to the power of a majority. Suppose, again, that of two races living together—Celts and Saxons, for example—the most numerous determined to make the others their slaves. Would the authority of the greater number be in such case valid? If not, there is something to which its authority must be subordinate. Suppose, once more, that

all men having incomes under £50 a year, were to resolve upon reducing every income above that amount to their own standard, and appropriating the excess for public purposes. Could their resolution be justified? If not it must be a third time confessed that there is a law to which the popular voice must defer. What, then, is that law, if not the law of pure equity—the law of equal freedom? These restraints which all would put to the will of the majority, are the restraints set up by that law. We deny the right of a majority to murder, to enslave, or to rob, simply because murder, enslaving, and robbery are violations of that law—violations too gross to be overlooked. But if great violations of it are wrong, so also are smaller ones. If the will of the many cannot supersede the first principle of morality in these cases, neither can it in any.

THE CONSTITUTION OF THE STATE.

It is a tolerably well-ascertained fact that men are still selfish. And that beings answering to this epithet will employ the power placed in their hands for their own advantage is self-evident. Directly or indirectly, either by hook or by crook, if not openly then in secret, their private ends will be served. Granting the proposition that men are selfish, we cannot avoid the corollary that those who possess authority will, if permitted, use it for selfish purposes.

Should any one need facts in proof of this, he may find them at every page in the nearest volume of history. Under the head "Monarchy," he will read of insatiable cravings after more territory; of confiscations of the subjects' property; of justice sold to the highest bidder; of continued debasements of coinage; and of a greediness which could even descend to share the gains of prostitutes.

He will find Feudalism exemplifying the same spirit by the cruelties inflicted upon serfs; by the right of private war; by the predatory incursions of borderers; by robberies practised on Jews; and by the extortionate tribute wrung from burghers—all of them illustrations of that motto, so characteristic of the system—"Thou shalt want ere I want."

Does he seek like evidence in the conduct of later aristocracies? He may discover it in every state in Europe: in Spain, where the lands of nobles and clergy were long exempted from direct taxation; in Hungary, where, until lately, men of rank were free of all turnpikes, and only the mercan-

tile and working classes paid; in France, before the first revolution, where the *tiers-état* had to bear all the State burdens; in Scotland where, less than two centuries ago it was the custom of lairds to kidnap the common people, and export them as slaves; in Ireland where, at the rebellion, a band of usurping landowners hunted and shot the Catholics as they would game, for daring to claim their own.

If more proofs are wanted that power will be made to serve the purposes of its possessors, English legislation can furnish many such. Take, for example, the significantly named "Black Act" (9th of George I.), which declares that any one disguised and in possession of an offensive weapon "appearing in any warren, or place where hares or conies have been, or shall be usually kept, and being thereof duly convicted, shall be adjudged guilty of felony, and shall suffer death, as in cases of felony, without benefit of clergy." Instance again the Inclosure Laws, by which commons were divided among the neighbouring landowners in the ratios of their holdings, regardless of the claims of the poor cottagers. Notice also the manœuvre by which the land-tax has been kept stationary, or has even decreased, while other taxes have so enormously increased. Add to these the private monopolies (obtained from the King for "a consideration"), the perversion of the funds of public schools, the manufacture of places and pensions.

Nor is the disposition to use power for private ends less manifest in our own day. It shows itself in the assertion that an electoral system should give a preponderance to the landed interest. We see it in the legislation which relieves farmers from sundry assessed taxes, that they may be enabled to pay more rent. It is palpably indicated in the Game Laws. The conduct of the squire, who gets his mansion rated at one-third of its value, bears witness to it. It appears in the law enabling the landlord to anticipate other creditors, and to obtain his rent by immediate seizure of his tenant's property. We are reminded of it by the often-mentioned legacy and probate

duties. It is implied by the fact that while no one dreams of compensating the discharged workman, gentlemen sinecurists must have their "vested interests" bought up if their offices are abolished. In the tracts of the Anti-Corn Law League it receives abundant illustration. It is seen in the votes of the hundred and fifty military and naval members of Parliament. And lastly, we find this self-seeking of those in authority creeps out even in the doings of the "Right Reverend Fathers in God" forming the Ecclesiastical Commission, who have appropriated, for the embellishment of their own palaces, funds entrusted to them for the benefit of the Church.

But it is needless to accumulate illustrations. Though every historian the world has seen should be subpœnaed as a witness, the fact could not be rendered one whit more certain than it is already. Why ask whether those in power *have* sought their own advantage in preference to that of others? With human nature as we know it, they must have done so. It is this same tendency in men to pursue gratification at the expense of their neighbours which renders government needful. Were we not selfish, legislative restraint would be unnecessary. Evidently, then, the very existence of a State-authority proves that irresponsible rulers will sacrifice the public good to their personal benefit: all solemn promises, specious professions, and carefully-arranged checks and safeguards, notwithstanding.

It is a pity that those who speak disparagingly of the masses have not wisdom enough, or candour enough, to make due allowance for the unfavourable circumstances in which the masses are placed. Suppose that, after carefully weighing the evidence, it should turn out that the working men *do* exhibit greater vices than those more comfortably off; does it therefore follow that they are morally worse? Are the additional temptations under which they labour to be left out of the estimate? Shall as much be expected at their

hands as from those born into a more fortunate position? Ought the same demands to be made upon the possessors of five talents as upon the possessors of ten? Surely the lot of the hard-handed labourer is pitiable enough without having harsh judgments passed upon him. Consider well these endowments of his—these capacities, affections, tastes, and the vague yearnings to which they give birth. Think of him now with his caged-up desires doomed to a daily, weekly, yearly round of painful toil, with very little remission save for food and sleep. Observe how he is tantalized by the pleasures he sees his richer brethren partaking of, but from which he must be for ever debarred. Note the humiliation he suffers from being looked down upon as of no account among men. And then remember that he has nothing to look forward to but a monotonous continuance of this till death. Is this a salutary state of things to live under?

It is very easy for you, O respectable citizen, seated in your easy chair with your feet on the fender, to hold forth on the misconduct of the people;—very easy for you to censure their extravagrant and vicious habits;—very easy for you to be a pattern of frugality, of rectitude, of sobriety. What else should you be? Here are you surrounded by comforts, possessing multiplied sources of lawful happiness, with a reputation to maintain, an ambition to fulfil, and the prospect of a competency for your old age. A shame indeed would it be if with these advantages you were not well regulated in your behaviour. You have a cheerful home, are warmly and cleanly clad, and fare, if not sumptuously every day, at any rate abundantly. For your hours of relaxation there are amusements. A newspaper arrives regularly to satisfy your curiosity; if your tastes are literary, books may be had in plenty; and there is a piano if you like music. You can afford to entertain your friends, and are entertained in return. There are lectures, and concerts, and exhibitions, accessible if you incline to them. You may have a holiday when you choose to take one, and can spare money for an

annual trip to the sea-side. And enjoying all these privileges you take credit to yourself for being a well-conducted man! Small praise to you for it! If *you* do not contract dissipated habits where is the merit? you have few incentives to do so. It is no honour to *you* that you do not spend your savings in sensual gratification; you have pleasures enough without. But what would you do if placed in the position of the labourer? How would these virtues of yours stand the wear and tear of poverty? Where would your prudence and self-denial be if you were deprived of all the hopes that now stimulate you; if you had no better prospect than that of the Dorsetshire farm-servant with his 10*s.* a week, or that of the perpetually-straitened stocking-weaver, or that of the mill-hand with his not infrequent suspensions of work? Let us see you tied to an irksome employment from dawn till dusk; fed on meagre food, and scarcely enough of that; married to a factory girl ignorant of domestic management; deprived of the enjoyments which education opens up; with no place of recreation but the pot-house; and then let us see whether you would be as steady as you are. Suppose your savings had to be made, not, as now, out of surplus income, but out of wages already insufficient for necessaries; and then consider whether to be provident would be as easy as you at present find it. Conceive yourself one of a class contemptuously termed "the great unwashed;" stigmatized as brutish, stolid, vicious; suspected of harbouring wicked designs; and then say whether the desire to be respectable would be as practically operative on you as now. Lastly, imagine that seeing your capacities were but ordinary, and your competitors innumerable, you despaired of ever attaining to a higher station; and then think whether the incentives to perseverance and forethought would be as strong as your existing ones.

After all it is a pitiful controversy, this about the relative vices of rich and poor. Two school-boys taunting each other

with faults of which they were equally guilty, would best parody it. While indignant Radicalism denounces "the vile aristocrats," these in their turn enlarge with horror on the brutality of the mob. Neither party sees its own sins. Neither party recognizes in the other, itself in a different dress. Neither party can believe that it would do all the other does if placed in like circumstances. Yet a cool bystander finds nothing to choose between them—knows that these class-recriminations are but the inflammatory symptoms of a uniformly-diffused immorality. Label men how you please with titles of "upper," and "middle," and "lower," you cannot prevent them being units of the same society, acted upon by the same spirit of the age, moulded after the same type of character. The mechanical law that action and reaction are equal, has its moral analogue. The deed of one man to another tends ultimately to produce a like effect on both, be the deed good or bad. Do but put them in relationship, and no division into castes, no differences of wealth, can prevent men from assimilating. Whoso is placed among the savage will in process of time grow savage too; let his companions be treacherous and he will become treacherous in self-defence; surround him with the kind-hearted and he will soften; amid the refined he will acquire polish; and the same influences which thus rapidly adapt the individual to his society, ensure, though by a slower process, the general uniformity of a national character. This is no unsupported theory. Look when or where we please, thickly-strewn proofs may be gathered. The cruelties of the old Roman rulers were fully paralleled by those over which the populace gloated in their arenas. During the servile wars of the middle ages, barons tortured rebels and rebels tortured barons, with equally diabolical ferocity. Those massacres which took place a few years since in Galicia, covered with infamy both the people who committed them and the government which paid for them at per head. The Assam chiefs, to whom the East India Company have allowed compensation

for abandoning their established right of plunder, are neither better nor worse than the mass of the people, among whom joint-stock robbing companies are common. A similar sameness is exhibited in Russia, where all are alike swindlers, from the Prince Marshal who cheats the troops out of their rations, the officers who rob the Emperor of his stores, the magistrates who require bribing before they will act, the police who have secret treaties with the thieves, the shopkeepers who boast of their successful trickeries, down to the postmasters and drosky-drivers with their endless impositions. In Ireland, during the last century, while the people had their faction fights and secret revenge societies, duelling formed the amusement of the gentry, and was carried to such a pitch that the barrister was bound to give satisfaction to the witness he had bullied, or to the client who was dissatisfied with him.* And let us not forget how completely this unity of character is exhibited by the Irish of to-day, among whom Orangemen and Catholics display the same truculent bigotry; among whom magistrates and people join in party riots; and among whom the improvidence of the peasantry is to be paralleled only by that of the landlords. Our own history furnishes like illustrations in plenty. The time when England swarmed with highwaymen and outlaws, and when the populace had that sneaking kindness for a bold robber, still shown in some parts of the Continent, was the time when kings also played the bandit; when they cheated their creditors by debasing the coinage; when they impressed labourers to build their palaces (Windsor Castle, for instance), obliging them under pain of imprisonment to take the wages offered; and when they seized and sold men's goods, paying the owners less than a third of what the goods realized. During the age of religious persecution, Papists martyred Protestants and Protestants martyred Papists, with equal

* "It is time," said a veteran of this school, "to retire from the bar, since this new-fangled special pleading has superseded the use of gunpowder."—*Sketches of Ireland Sixty Years Ago.*

cruelty; and Cavaliers and Roundheads treated each other with the same rancour. In the present day dishonesty shows itself not less in the falsification of dockyard accounts, or the "cooking" of railway-reports, than in burglary or sheep-stealing; while those who see heartlessness in the dealings of slop-tailors and their sweaters, may also find it in the conduct of rich landlords who get double rent from poor allotment holders,* and in that of responsible ladies who underpay half-starved seamstresses.† Changes in tastes and amusements are similarly common to all. The contrast between the Squire Westerns and their descendants has its analogy among the people. As in Spain a bull-fight is still the favourite pastime of both the Queen and her subjects, so in England fifty years ago, the cock-pit and the prize-ring were patronized alike by peer and pauper; and a reference to the sporting papers will show that the lingering instincts of the savage are at this moment exhibited by about an equal percentage of all classes.

If by ignorance is meant want of information on matters

* "Allotments are generally given on poor and useless pieces of land, but the thorough cultivation they receive soon raises them to a high pitch of fertility. The more fertile they become the more the rent of each portion is increased, and we were informed that there are at present allotments on the Duke's property which, under the influence of the same competition which exists with reference to farms, bring his Grace a rent of 2*l.*, 3*l.*, and even 4*l.* an acre."—*The Times Agricultural Commissioner on the Blenheim Estates.*

† See letters on "Labour and the Poor." An Officer's widow says:—"Generally, the ladies are much harder as to their terms than the tradespeople; oh, yes, the tradespeople usually show more lenity towards the needlewomen than the ladies. I know the mistress of an institution who refused some chemises of a lady who wanted to have them made at 9*d.* She said she would not impose upon the poor workpeople so much as to get them made at that price."—*Morning Chronicle*, November 16, 1849. A vendor of groundsel and turfs for singing birds says:—"The ladies are very hard with a body. They tries to beat me down, and particular in the matter of turfs. They tell me they can buy half-a-dozen for 1*d.*, so I'm obligated to let 'em have three or four."—*Morning Chronicle*, November 20, 1849.

which, for the due performance of his function, the citizen should understand (and no other definition is to the point), then it is a great error to suppose that ignorance is peculiar to the unenfranchised. Were there no other illustrations, sufficient proof that this ignorance is shared by those on the register, might be gathered from their conduct at elections. Much might be inferred from the tuft-hunting spirit exhibited in the choice of aristocratic representatives. Some doubts might be cast on the penetration of men who, while they complain of the pressure of taxation, send to parliament hordes of military and naval officers, who have an interest in making that taxation still greater. Or the pretensions of the present holders of political power to superior knowledge, might be tested by quotations from the debates of a farmers' market-ordinary, and from those of the assembly into which electoral wisdom is distilled. But without dilating upon these general considerations, let us examine a few of the opinions entertained by the mercantile classes upon State-questions, and see how far these opinions entitle them to a reputation for enlightenment.

"Money is wealth," was the dogma universally held by legislators and economists before the days of Adam Smith; and in conformity with it Acts of Parliament were, by general consent, framed to attract and retain in the country as much coin as possible. Mr. Mill, in the introduction to his *Principles of Political Economy*, assumes that the belief is now extinct. It may be so among philosophers, but it is still prevalent in the trading world. We continue to hear deeds praised as tending to "circulate money;" and, on analyzing the alarm periodically raised that "the money is going out of the country," we find such an occurrence regarded as a disaster in itself, and not simply as indicating that the country is poor in consumable commodities. Is there not occasion for a little "enlightenment" here?

Again, no small number of respectable people on hearing of a fire, or the mad extravagance of a spendthrift, console

themselves with the reflection that such things are "good for trade." Dangerous voters these, if sound political knowledge is a needful qualification.

Even a professed political economist—Doctor Chalmers—maintains that the revenues of landowners form no deduction from the means of society, seeing that the expenditure of such revenues consists "in a transference to the industrious of sustenance and support for their services:" which proposition amounts to this—that it matters not in the end whether A and his servants B, C, and D, live on the produce of their own industry or on the produce of other men's industry! *

There still survives alike amongst rich and poor the belief that the speculations of corn-dealers are injurious to the public. Their anger blinds them to the fact that were not the price raised immediately after a deficient harvest, by the purchases of these large factors, there would be nothing to prevent the people from consuming food at their ordinary rate; which would end in the inadequate supply being eaten up long before the ripening of the next crop. They do not perceive that this mercantile operation is analogous in its effect to putting the crew of a vessel on diminished rations when the stock of provisions is found insufficient to last out the voyage. A somewhat serious error this, for electors to labour under.

What crude theories prevail also respecting the power of a legislature to encourage different branches of industry—"agricultural interests" and other "interests." It is not farmers only who labour under the mistake that their occupation can be made permanently more prosperous than the rest

* No doubt the belief which Dr. Chalmers combats, viz., that the landlord's revenue is wholly consumed by him, is an erroneous one; for, as he points out, the greater portion of it goes to maintain those who directly or indirectly minister to the landlord's wants. But Dr. Chalmers overlooks the fact that did the landlord not exist, the services which such now render to him in return for "sustenance and support," would be rendered, in some other shape, to those producers from whom the landlord's revenue originally came.

by act of parliament: educated towns-people, too, participate in the delusion; quite forgetting that the greater profitableness artificially given to any particular trade, inevitably draws into that trade such an increased number of competitors as quickly reduces its proffered advantages to the general level, and even for a time below that level. Is not the educator wanted behind the counter and on the farm, as well as in the workshop?

A democracy, properly so called, is a political organization modelled in accordance with the law of equal freedom. And if so, those cannot be called democracies under which, as under the Greek and Roman governments, from four-fifths to eleven-twelfths of the people were slaves. Neither can those be called democracies which, like the constitutions of mediæval Italy, conferred power on the burghers and nobles only. Nor can those even be called democracies which, like the Swiss states, have always treated a certain unincorporated class as political outlaws. Enlarged aristocracies these should be termed; not democracies.

In the earlier stages of civilization, before the process of adaptation has yet produced much effect, the struggle for political equality does not exist. There were no agitations for representative government among the Egyptians, or the Persians, or the Assyrians: with them all disputes were as to who should be despot. By the Hindoos a similar state of things is exhibited to the present hour. The like mental condition was shown during the earlier stages of our own progress. In the middle ages fealty to a feudal lord was accounted a duty, and the assertion of personal freedom a crime. Rights of man were not then dreamed of. Revolutions were nothing but dynastic quarrels; not what they have been in later times—attempts to make government more popular. And if, after glancing at the changes which have taken place between the far past and the present, we reflect upon the character of modern ideas and agitations—on dec-

larations of rights, liberty of the press, slave-emancipation, removal of religious disabilities, Reform Bills, Chartism, &c., and consider how through all of them there runs a kindred spirit, and how this spirit is manifesting itself with constantly-increasing intensity and universality, we shall see that these facts imply some moral change; and explicable as they are by the growth of this compound faculty responding to the law of equal freedom, it is reasonable to consider them as showing the mode in which such faculty seeks to place social arrangements in harmony with that law.

If a democracy is produced by this agency, so also is it rendered practicable by it. The popular form of government as contrasted with the monarchical, is professedly one which places less restraint upon the individual. In speaking of it we use such terms as *free* institutions, *self*-government, civil *liberty*, all implying this. But the diminution of external restraint can take place only at the same rate as the increase of internal restraint. Conduct has to be ruled either from without or from within. If the rule from within is not efficient, there *must* exist a supplementary rule from without. If, on the other hand, all men are properly ruled from within, government becomes needless, and all men are perfectly free. Now the chief faculty of self-rule being the moral sense, the degree of freedom in their institutions which any given people can bear, will be proportionate to the diffusion of this moral sense among them. And only when its influence greatly predominates can so large an instalment of freedom as a democracy implies become possible.

Lastly, the supremacy of this same faculty affords the only guarantee for the stability of a democracy. On the part of the ruled it gives rise to what we call a jealousy of their liberties—a watchful determination to resist anything like encroachment upon their rights; while it generates among the rulers such respect for these rights as checks any desire they may have to aggress. Conversely, let the ruled be deficient in the instinct of freedom, and they will be indiffer-

ent to the gradual usurpation of their privileges so long as it entails no immediate inconvenience upon them; and the rulers, in such case, being deficient in sympathetic regard for these privileges, will be, to a like extent, unscrupulous in usurping. Let us observe, in detail, the different modes in which men thus contra-distinguished comport themselves under a representative form of government. Among a people not yet fitted for such a form, citizens, lacking the impulse to claim equal powers, become careless in the exercise of their franchise, and even pride themselves on not interfering in public affairs.* Provided their liberties are but indirectly affected, they will watch the passing of the most insidious measures with vacant unconcern. It is only barefaced aggressions that they can perceive to be aggressions at all. Placing, as they do, but little value on their privileges, they are readily bribed. When threatened, instead of assuming that attitude of dogged resistance which the instinct of freedom dictates, they truckle. If tricked out of a right of citizenship, they are quite indifferent about getting it again; and, indeed, when the exercise of it conflicts with any immediate interest, are glad to give it up,—will even petition, as in times past did many of the corporate towns, both in England and Spain, that they may be excused from electing representatives. Meanwhile, in accordance with that law of social homogeneity lately dwelt upon, those in authority are in a like ratio ready to encroach. They intimidate, they bribe, they plot; and by degrees establish a comparatively coercive government. On the other hand, among a people sufficiently endowed with the faculty responding to the law of equal freedom, no such retrograde process is possible. The man of genuinely democratic feeling loves liberty as a miser loves gold, for its own sake and quite irrespective of its apparent advantages. What he thus highly values he sleeplessly

* Instance the behaviour of the Prussian electors since the late revolution.

watches; and he opposes aggression the moment it commences. Should any assume undue prerogatives, he straightway steps up to them and demands their authority for so doing. Transactions that seem in the remotest degree underhand awaken his suspicions, which are not to be laid so long as anything remains unexplained. If in any proposed arrangement there be a latent danger to the liberties of himself and others, he instantly discovers it and refuses his consent. He is alarmed by such a proposal as the disfranchisement of a constituency by the legislature; for it at once occurs to him that the measure thus levelled against one may be levelled against many. To call that responsible government under which a cabinet-minister can entangle the nation in a quarrel about some paltry territory before they know anything of it, he sees to be absurd. It needs no chain of reasoning to show him that the assumption, by a delegated assembly, of the power to lengthen its own existence from three years to seven, is an infraction of the representative principle; and no plausible professions of honourable intentions can check his opposition to the setting up of so dangerous a precedent. Still more excited is he when applied to for grants of public money, with the understanding that on a future occasion he shall be told how they have been spent. Flimsy excuses about "exigencies of the State," and the like, cannot entrap him into so glaring an act of self-stultification. Thus is he ever on the watch to stop encroachment. And when a community consists of men animated by the spirit thus exemplified, the continuance of liberal institutions is certain.

for abandoning their established right of plunder, are neither better nor worse than the mass of the people, among whom joint-stock robbing companies are common. A similar sameness is exhibited in Russia, where all are alike swindlers, from the Prince Marshal who cheats the troops out of their rations, the officers who rob the Emperor of his stores, the magistrates who require bribing before they will act, the police who have secret treaties with the thieves, the shopkeepers who boast of their successful trickeries, down to the postmasters and drosky-drivers with their endless impositions. In Ireland, during the last century, while the people had their faction fights and secret revenge societies, duelling formed the amusement of the gentry, and was carried to such a pitch that the barrister was bound to give satisfaction to the witness he had bullied, or to the client who was dissatisfied with him.* And let us not forget how completely this unity of character is exhibited by the Irish of to-day, among whom Orangemen and Catholics display the same truculent bigotry; among whom magistrates and people join in party riots; and among whom the improvidence of the peasantry is to be paralleled only by that of the landlords. Our own history furnishes like illustrations in plenty. The time when England swarmed with highwaymen and outlaws, and when the populace had that sneaking kindness for a bold robber, still shown in some parts of the Continent, was the time when kings also played the bandit; when they cheated their creditors by debasing the coinage; when they impressed labourers to build their palaces (Windsor Castle, for instance), obliging them under pain of imprisonment to take the wages offered; and when they seized and sold men's goods, paying the owners less than a third of what the goods realized. During the age of religious persecution, Papists martyred Protestants and Protestants martyred Papists, with equal

* "It is time," said a veteran of this school, "to retire from the bar, since this new-fangled special pleading has superseded the use of gunpowder."—*Sketches of Ireland Sixty Years Ago.*

cruelty; and Cavaliers and Roundheads treated each other with the same rancour. In the present day dishonesty shows itself not less in the falsification of dockyard accounts, or the "cooking" of railway-reports, than in burglary or sheep-stealing; while those who see heartlessness in the dealings of slop-tailors and their sweaters, may also find it in the conduct of rich landlords who get double rent from poor allotment holders,* and in that of responsible ladies who underpay half-starved seamstresses.† Changes in tastes and amusements are similarly common to all. The contrast between the Squire Westerns and their descendants has its analogy among the people. As in Spain a bull-fight is still the favourite pastime of both the Queen and her subjects, so in England fifty years ago, the cock-pit and the prize-ring were patronized alike by peer and pauper; and a reference to the sporting papers will show that the lingering instincts of the savage are at this moment exhibited by about an equal percentage of all classes.

If by ignorance is meant want of information on matters

* "Allotments are generally given on poor and useless pieces of land, but the thorough cultivation they receive soon raises them to a high pitch of fertility. The more fertile they become the more the rent of each portion is increased, and we were informed that there are at present allotments on the Duke's property which, under the influence of the same competition which exists with reference to farms, bring his Grace a rent of 2*l.*, 3*l.*, and even 4*l.* an acre."—*The Times Agricultural Commissioner on the Blenheim Estates.*

† See letters on "Labour and the Poor." An Officer's widow says:—"Generally, the ladies are much harder as to their terms than the tradespeople; oh, yes, the tradespeople usually show more lenity towards the needlewomen than the ladies. I know the mistress of an institution who refused some chemises of a lady who wanted to have them made at 9*d.* She said she would not impose upon the poor workpeople so much as to get them made at that price."—*Morning Chronicle*, November 16, 1849. A vendor of groundsel and turfs for singing birds says:—"The ladies are very hard with a body. They tries to beat me down, and particular in the matter of turfs. They tell me they can buy half-a-dozen for 1*d.*, so I'm obligated to let 'em have three or four."—*Morning Chronicle*, November 20, 1849.

which, for the due performance of his function, the citizen should understand (and no other definition is to the point), then it is a great error to suppose that ignorance is peculiar to the unenfranchised. Were there no other illustrations, sufficient proof that this ignorance is shared by those on the register, might be gathered from their conduct at elections. Much might be inferred from the tuft-hunting spirit exhibited in the choice of aristocratic representatives. Some doubts might be cast on the penetration of men who, while they complain of the pressure of taxation, send to parliament hordes of military and naval officers, who have an interest in making that taxation still greater. Or the pretensions of the present holders of political power to superior knowledge, might be tested by quotations from the debates of a farmers' market-ordinary, and from those of the assembly into which electoral wisdom is distilled. But without dilating upon these general considerations, let us examine a few of the opinions entertained by the mercantile classes upon State-questions, and see how far these opinions entitle them to a reputation for enlightenment.

"Money is wealth," was the dogma universally held by legislators and economists before the days of Adam Smith; and in conformity with it Acts of Parliament were, by general consent, framed to attract and retain in the country as much coin as possible. Mr. Mill, in the introduction to his *Principles of Political Economy*, assumes that the belief is now extinct. It may be so among philosophers, but it is still prevalent in the trading world. We continue to hear deeds praised as tending to "circulate money;" and, on analyzing the alarm periodically raised that "the money is going out of the country," we find such an occurrence regarded as a disaster in itself, and not simply as indicating that the country is poor in consumable commodities. Is there not occasion for a little "enlightenment" here?

Again, no small number of respectable people on hearing of a fire, or the mad extravagance of a spendthrift, console

themselves with the reflection that such things are "good for trade." Dangerous voters these, if sound political knowledge is a needful qualification.

Even a professed political economist—Doctor Chalmers—maintains that the revenues of landowners form no deduction from the means of society, seeing that the expenditure of such revenues consists "in a transference to the industrious of sustenance and support for their services:" which proposition amounts to this—that it matters not in the end whether A and his servants B, C, and D, live on the produce of their own industry or on the produce of other men's industry! *

There still survives alike amongst rich and poor the belief that the speculations of corn-dealers are injurious to the public. Their anger blinds them to the fact that were not the price raised immediately after a deficient harvest, by the purchases of these large factors, there would be nothing to prevent the people from consuming food at their ordinary rate; which would end in the inadequate supply being eaten up long before the ripening of the next crop. They do not perceive that this mercantile operation is analogous in its effect to putting the crew of a vessel on diminished rations when the stock of provisions is found insufficient to last out the voyage. A somewhat serious error this, for electors to labour under.

What crude theories prevail also respecting the power of a legislature to encourage different branches of industry—"agricultural interests" and other "interests." It is not farmers only who labour under the mistake that their occupation can be made permanently more prosperous than the rest

* No doubt the belief which Dr. Chalmers combats, viz., that the landlord's revenue is wholly consumed by him, is an erroneous one; for, as he points out, the greater portion of it goes to maintain those who directly or indirectly minister to the landlord's wants. But Dr. Chalmers overlooks the fact that did the landlord not exist, the services which such now render to him in return for "sustenance and support," would be rendered, in some other shape, to those producers from whom the landlord's revenue originally came.

by act of parliament: educated towns-people, too, participate in the delusion; quite forgetting that the greater profitableness artificially given to any particular trade, inevitably draws into that trade such an increased number of competitors as quickly reduces its proffered advantages to the general level, and even for a time below that level. Is not the educator wanted behind the counter and on the farm, as well as in the workshop?

A democracy, properly so called, is a political organization modelled in accordance with the law of equal freedom. And if so, those cannot be called democracies under which, as under the Greek and Roman governments, from four-fifths to eleven-twelfths of the people were slaves. Neither can those be called democracies which, like the constitutions of mediæval Italy, conferred power on the burghers and nobles only. Nor can those even be called democracies which, like the Swiss states, have always treated a certain unincorporated class as political outlaws. Enlarged aristocracies these should be termed; not democracies.

In the earlier stages of civilization, before the process of adaptation has yet produced much effect, the struggle for political equality does not exist. There were no agitations for representative government among the Egyptians, or the Persians, or the Assyrians: with them all disputes were as to who should be despot. By the Hindoos a similar state of things is exhibited to the present hour. The like mental condition was shown during the earlier stages of our own progress. In the middle ages fealty to a feudal lord was accounted a duty, and the assertion of personal freedom a crime. Rights of man were not then dreamed of. Revolutions were nothing but dynastic quarrels; not what they have been in later times—attempts to make government more popular. And if, after glancing at the changes which have taken place between the far past and the present, we reflect upon the character of modern ideas and agitations—on dec-

larations of rights, liberty of the press, slave-emancipation, removal of religious disabilities, Reform Bills, Chartism, &c., and consider how through all of them there runs a kindred spirit, and how this spirit is manifesting itself with constantly-increasing intensity and universality, we shall see that these facts imply some moral change; and explicable as they are by the growth of this compound faculty responding to the law of equal freedom, it is reasonable to consider them as showing the mode in which such faculty seeks to place social arrangements in harmony with that law.

If a democracy is produced by this agency, so also is it rendered practicable by it. The popular form of government as contrasted with the monarchical, is professedly one which places less restraint upon the individual. In speaking of it we use such terms as *free* institutions, *self*-government, civil *liberty*, all implying this. But the diminution of external restraint can take place only at the same rate as the increase of internal restraint. Conduct has to be ruled either from without or from within. If the rule from within is not efficient, there *must* exist a supplementary rule from without. If, on the other hand, all men are properly ruled from within, government becomes needless, and all men are perfectly free. Now the chief faculty of self-rule being the moral sense, the degree of freedom in their institutions which any given people can bear, will be proportionate to the diffusion of this moral sense among them. And only when its influence greatly predominates can so large an instalment of freedom as a democracy implies become possible.

Lastly, the supremacy of this same faculty affords the only guarantee for the stability of a democracy. On the part of the ruled it gives rise to what we call a jealousy of their liberties—a watchful determination to resist anything like encroachment upon their rights; while it generates among the rulers such respect for these rights as checks any desire they may have to aggress. Conversely, let the ruled be deficient in the instinct of freedom, and they will be indiffer-

ent to the gradual usurpation of their privileges so long as it entails no immediate inconvenience upon them; and the rulers, in such case, being deficient in sympathetic regard for these privileges, will be, to a like extent, unscrupulous in usurping. Let us observe, in detail, the different modes in which men thus contra-distinguished comport themselves under a representative form of government. Among a people not yet fitted for such a form, citizens, lacking the impulse to claim equal powers, become careless in the exercise of their franchise, and even pride themselves on not interfering in public affairs.* Provided their liberties are but indirectly affected, they will watch the passing of the most insidious measures with vacant unconcern. It is only barefaced aggressions that they can perceive to be aggressions at all. Placing, as they do, but little value on their privileges, they are readily bribed. When threatened, instead of assuming that attitude of dogged resistance which the instinct of freedom dictates, they truckle. If tricked out of a right of citizenship, they are quite indifferent about getting it again; and, indeed, when the exercise of it conflicts with any immediate interest, are glad to give it up,—will even petition, as in times past did many of the corporate towns, both in England and Spain, that they may be excused from electing representatives. Meanwhile, in accordance with that law of social homogeneity lately dwelt upon, those in authority are in a like ratio ready to encroach. They intimidate, they bribe, they plot; and by degrees establish a comparatively coercive government. On the other hand, among a people sufficiently endowed with the faculty responding to the law of equal freedom, no such retrograde process is possible. The man of genuinely democratic feeling loves liberty as a miser loves gold, for its own sake and quite irrespective of its apparent advantages. What he thus highly values he sleeplessly

* Instance the behaviour of the Prussian electors since the late revolution.

magistrates who become aggressors rather than protectors; of policemen who conspire with one another to obtain convictions that they may be promoted; and of the late Palace Court, whose officers habitually favoured the plaintiff, with the view of inducing men to enter suits there, we find that now, as of old, judicial protection is vitiated by the depravity of the age.

The civil power no more does what to the careless eye it seems to do, than the juggler really performs his apparent miracles. It is impossible for man to create force. He can only alter the mode of its manifestation, its direction, its distribution. The power which propels his steamboats and locomotives is not of his making; it was all lying latent in the coal. He telegraphs by an agent set free during the oxidation of zinc, but of which no more is obtained than is due to the number of atoms that have combined. The very energy he expends in moving his arm is generated by the chemical affinities of the food he eats. In no case can he do anything but avail himself of dormant forces. This is as true in ethics as in physics. Moral feeling is a force—a force by which men's actions are to be restrained within certain bounds; and no legislative mechanism can really increase its results. By how much this force is deficient, by so much must its work remain undone. In whatever degree we lack the qualities needful for our state, in the same degree must we suffer. Nature will not be cheated. Whoso should think to escape the influence of gravitation by throwing his limbs into some peculiar attitude, would not be more deceived than are those who hope to avoid the weight of their depravity by arranging themselves into this or that form of political organization. Every jot of the evil must in one way or other be borne—consciously or unconsciously; either in a shape that is recognized, or else under some disguise. No philosopher's stone of a constitution can produce golden conduct from leaden instincts. No apparatus of senators, judges, and police,

can compensate for the want of an internal governing sentiment. No legislative manipulation can eke out an insufficient morality into a sufficient one. No administrative sleight of hand can save us from ourselves.

But must not this imply that government is of no use whatever? Not at all. Although unable to alter the sum-total of injustice to be supported, it can still alter its *distribution*. And this is what it really does. By its aid, men to a considerable extent equalize the evil they have to bear—spread it out more uniformly over the whole community, and over the life of each citizen. Entire freedom to exercise the faculties, interrupted by entire deprivations of it, and marred by the perpetual danger of these deprivations, is exchanged for a freedom on which the restrictions are constant but partial. Instead of those losses of life, of limb, or of the means of subsistence, which, under a state of anarchy, all are liable to, and many suffer, a political organization commits universal aggressions of a comparatively mild type. Wrongs that were before occasional but crushing, are now unceasing but bearable. The system is one of mutual insurance against moral disasters. Just as men, while they cannot prevent fires and shipwrecks, can yet guarantee one another against ruin from these, by bearing them in common, and distributing the injuries entailed over long periods of time; so, although by uniting together for judicial purposes men cannot diminish the amount of injustice to be borne, they can, and do, insure themselves against its otherwise fatal results.

When we agreed that it was the essential function of the State to protect—to administer the law of equal freedom—to maintain men's rights; we virtually assigned to it the duty, not only of shielding each citizen from the trespasses of his neighbours, but of defending him, in common with the community at large, against foreign aggressions. An invading force may violate people's rights as much as, or far more

than, an equal body of felons; and our definition requires that government shall resist transgression in the one case as much as in the other. Protection,—this is what men seek by political combination; and whether it be against internal or external enemies matters not. Unquestionably war is immoral. But so likewise is the violence used in the execution of justice; so is all coercion. Ethical law is as certainly broken by the deeds of judicial authorities as by those of a defensive army. There is, in principle, no difference whatever between the blow of a policeman's baton and the thrust of a soldier's bayonet. Both are infractions of the law of equal freedom in the persons of those injured. In either case we have force sufficient to produce submission; and it matters not whether that force be employed by a man in red or by one in blue. Policemen are soldiers who act alone; soldiers are policemen who act in concert. Government employs the first to attack in detail ten thousand criminals who separately make war on society; and it calls in the last when threatened by a like number of criminals in the shape of drilled troops. Resistance to foreign foes and resistance to native ones having consequently the same object—the maintenance of men's rights, and being effected by the same means—force, are in their nature identical; and no greater condemnation can be passed on the one than on the other. The doings of the battle-field merely exhibit in a concentrated form that immorality which is inherent in government, and attaches to all its functions. What is so manifest in its military acts is true of its civil acts,—it uses wrong to put down wrong.

Defensive warfare (and of course it is solely to this that the foregoing agreement applies) must therefore be tolerated as the least of two evils. There are indeed some who unconditionally condemn it, and would meet invasion by non-resistance. To such there are several replies.

First, consistency requires them to behave in like fashion to their fellow-citizens. They must not only allow themselves

to be cheated, assaulted, robbed, wounded, without offering active opposition, but must refuse help from the civil power; seeing that they who employ force by proxy, are as much responsible for it as though they employed it themselves.

Again, such a theory makes pacific relationships between men and nations look needlessly Utopian. If all agree not to aggress, they must as certainly be at peace with each other as though they had all agreed not to resist. So that, while it sets up so difficult a standard of behaviour, the rule of non-resistance is not one whit more efficient as a preventive of war, than the rule of non-aggression.

Moreover, this principle of non-resistance is not deducible from the moral law. The moral law says—Do not aggress. It cannot say—Do not resist; for to say this would be to presuppose its own precepts broken. As explained at the outset, Morality describes the conduct of perfect men; and cannot include in its premises circumstances that arise from imperfection. That rule which attains to universal sway when all men are what they ought to be, must be the right rule, must it not? And that rule which then becomes impossible of fulfilment must be the wrong one? Well, in an ideal state the law of non-aggression is obeyed by all—is the vital principle of every one's conduct—is fully carried out, reigns, lives; whereas in such a State the law of non-resistance necessarily becomes a dead letter.

Lastly, it can be shown that non-resistance is absolutely wrong. We may not carelessly abandon our dues. We may not give away our birthright for the sake of peace. If it be a duty to respect other men's claims, so also is it a duty to maintain our own. That which is sacred in their persons is sacred in ours also. Have we not a faculty which makes us feel and assert our title to freedom of action, at the same time that, by a reflex process, it enables us to appreciate the like title in our fellows? Did we not find that this faculty can act strongly on behalf of others, only when it acts strongly on our own behalf? And must we assume that,

while its sympathetic promptings are to be diligently listened to, its direct ones are to be disregarded? No: we may not be passive under aggression. In the due maintenance of our claims is involved the practicability of our duties.

Of international arbitration we must say, as of a free constitution, or a good system of jurisprudence, that its possibility is a question of time. The same causes which once rendered all government impossible have hitherto forbidden this widest extension of it. A federation of peoples—a universal society, can exist only when man's adaptation to the social state has become tolerably complete. We have already seen that in the earliest stage of civilization, when the repulsive force is strong, and the aggregative force weak, only small communities are possible. A modification of character causes these *gentes*, and tribes, and feudal lordships, and clans, to coalesce into nations; and a still further modification will allow of a still further union.

Meanwhile, in looking forward to some all-embracing federal arrangement, we must keep in mind that the stability of so complicated a political organization depends, not upon the fitness of one nation but upon the fitnesses of many.

THE LIMIT OF STATE-DUTY.

A FUNCTION to each organ and each organ to its own function, is the law of all organization. To do its work well, an apparatus must possess special fitness for that work; and this implies *un*fitness for any other work. The lungs cannot digest, the heart cannot respire, the stomach cannot propel blood. Each muscle and each gland must have its own particular nerve. There is not a fibre in the body but what has a channel to bring it food, a channel to take the surplus away, an agency for stimulating it to perform its peculiar duty, and a mechanism to take away effete matter. Between creatures of the lowest type and creatures of the highest, we similarly find the essential difference to be, that in the one the vital actions are carried on by a few simple agents, while in the other the vital actions are severally decomposed into their component parts, and each of these parts has an agent to itself. In organizations of another order the same principle is apparent. When the manufacturer discovered that by confining each of his workmen wholly to one process, he could greatly increase the productive powers of his establishment, he did but act on this same rule of one function to one organ. If we compare the mercantile arrangements of a village with those of a city, we shall find that the hucksters of the one carry on many trades each, while most shopkeepers of the other confine themselves to single trades; showing us how a highly-developed apparatus for the distribution of commodities is similarly distinguished by the subdivision of

duties. Language, too, exemplifies the same truth. Between its primitive state, in which it consisted of nothing but nouns, used vaguely to indicate all ideas indiscriminately, and its present state, in which it consists of numerous "parts of speech," the process of growth has been that of gradually separating words into classes serving different purposes; and just as fast as this process has advanced, has language become capable of adequately fulfilling its end.*

May we not, then, suspect that the assigning of one function to one organ, is the condition of efficiency in all instrumentalities? If, as far as we can see, such is the law not only of natural organizations, but of what, in a superficial sense, we call artificial ones, does it not seem probable that it is the universal law? Will it not be the law of institutions? Will it not be the law of the State? Must we not expect that with a government also, special adaptation to one end implies non-adaptation to other ends? And is it not likely that by devolving on a government additional function, the due discharge of its peculiar function will be sacrificed? And would not this imply that a government ought not to undertake such additional functions?

But laying aside analogy, let us inquire whether it is not the fact that in assuming any office besides its essential one, the State begins to lose the power of fulfilling its essential one. So long as our joint-stock protection-society confines itself to guaranteeing the rights of its members, it is pretty certain to be co-extensive with the nation; for while such an organization is needed at all, most men will sacrifice something to secure its guardianship. But let an additional duty

* Until now (1890) that I am re-reading *Social Statics* for the purpose of making this abridgment, the above paragraph had remained for these 40 years unremembered. It must have been written in 1849; and it shows that at that date I had entered on the line of thought which, pursued in after years, led to the general law of evolution.

be assigned to it, and there will immediately arise more or less schism. Observe how the matter stands between the government and the dissentient citizen. Says the citizen:—

"What is it that you, as the ruling agency, have been appointed for? Is it not to maintain the rights of those who employ you; or, in other words, to guarantee to each the fullest freedom for the exercise of his faculties compatible with the equal freedom of all others?"

"It has been so decided."

"And it has been also decided that you are justified in diminishing this freedom only to such an extent as may be needful for preserving the remainder, has it not?"

"That is evidently a corollary."

"Exactly. And now let me ask what is this property, this money, of which, in the shape of taxes, you are demanding from me an additional amount for a further purpose? Is it not that which enables me to get food, clothing, shelter, recreation, or, to repeat the original expression—that on which I depend for the exercise of most of my faculties?"

"It is."

"Therefore to decrease my property is to decrease my freedom to exercise my faculties, is it not?"

"Clearly."

"Then this new impost of yours will practically decrease my freedom to exercise my faculties?"

"Yes."

"Well, do you not now perceive the contradiction? Instead of acting the part of a protector you are acting the part of an aggressor. What you were appointed to guarantee me and others, you are now taking away. To see that the liberty of each man to pursue the objects of his desires is unrestricted, save by the like liberty of all, is your special function. To diminish this liberty by means of taxes, or civil restraints, more than is needful for performing such function, is wrong, because adverse to the function itself. Now your

new impost does so diminish this liberty more than is nec
ful, and is consequently unjustifiable."

It will perhaps be urged, however, that the evil done by
government, when it thus oversteps its original duty, is only
an apparent one; seeing that although it diminishes men's
spheres of action in one direction, it adds to them in another.
All such supplementary functions, an objector may say, sub-
serve in some way or other the wants of society; that is, they
facilitate the satisfaction of men's desires; that is, they afford
to men greater freedom for the exercise of their faculties.
For if you argue that taking away a man's property di-
minishes his freedom to exercise his faculties, because it
diminishes his *means* of exercising them, then you must in
fairness admit that, by procuring for him certain of the
objects he desires, or by taking away the obstacles that lie
between him and those objects, or by otherwise helping him
to his ends, the State is increasing his power to exercise
his faculties, and hence is practically increasing his free-
dom.

To all which the answer is, that cutting away men's
opportunities on one side, to add to them on another, is at
best accompanied by a loss. Let us remember that the force
by which a society, through its government, works out certain
results, is not increased by administrative mechanisms, but
that part of it escapes in friction. Government evidently
cannot *create* any facilities for the exercise of faculties; all it
can do is to re-distribute them. Set down the amount of
power to satisfy his wants, which it takes from a citizen in
extra taxes; deduct the serious waste occurring under official
manipulations; and the remainder, transformed into some
new shape, is all that can be returned to him. The transac-
tion is consequently a losing one. So that while, in attempt-
ing to serve the public by undertaking supplementary func-
tions, a government fails in its duty towards all who dissent;
it does not really compensate for this by additional advantages

afforded to the rest; to whom it merely gives with one hand, less than it takes away with the other.

But in truth the transaction is a yet more detrimental one than it thus appears, for even the gift is a delusion. The expediency-philosophy, of which this general State-superintendence is a practical expression, embodies the belief that government ought not only to guarantee men the unmolested pursuit of happiness, but should provide the happiness for them. Now no scheme could be more self-defeating. Man, as briefly delineated at the outset (p. 16), consists of a congeries of faculties qualifying him for surrounding conditions. Each of these faculties, if normally developed, yields to him, when exercised, a gratification constituting part of his happiness; while in the act of exercising it, some deed is done subserving the wants of the man as a whole, and affording to the other faculties the opportunties of performing in turn their respective functions, and of producing every one its peculiar pleasure: so that, when healthily balanced, each subserves all and all subserve each. We cannot live at all unless this mechanism works with some efficiency; and we can live entirely only when the reciprocity between capacities and requirements is perfect. Evidently, then, one who is thus rightly constituted cannot be helped. To do anything for him by some artificial agency, is to supersede certain of his powers—is to leave them unexercised, and therefore to diminish his happiness.

"But men are *not* complete; they are *not* healthily developed; they have *not* capacities in harmony with their wants; and therefore, as matters stand, a government does *not* by its interpositions pre-occupy offices which there are faculties to fill." Very true; but next to being what we ought to be, the most desirable thing is that we should become what we ought to be as fast as possible. We have to lose the characteristics which fitted us for our original state, and to gain those which will fit us for our present state; and the

question to be asked, respecting these mechanical remedies for our deficiencies, is—do they facilitate the change? A moment's thought will convince us that they retard it. Demand and supply is the law of life as well as the law of trade. Would you draw out and increase some feeble sentiment? Then you must set it to do, as well as it can, the work required of it. It must be kept ever active, ever strained, ever inconvenienced by its incompetence. Under this treatment it will, in the slow course of generations, attain to efficiency; and what was once its impossible task will become the source of a healthy, pleasurable, and desired excitement. But let a State-instrumentality be thrust between such faculty and its work, and the process of adaptation is at once suspended. The embryo agency now superseded by some commission—some board and staff of officers, straightway dwindles; for power is as inevitably lost by inactivity as it is gained by activity. Hence, humanity no longer goes on moulding itself into harmony with the natural requirements of the social state; but begins, instead, to assume a form fitting these artificial requirements. And thus, as before said, not only does a government reverse its function by taking away more property than is needful for protective purposes, but even what it gives, in return for the excess so taken, is in essence a loss.

There is indeed one faculty, or rather combination of faculties, for whose short-comings the State, as far as in it lies, may advantageously compensate—that, namely, by which society is made possible. It is clear that any being whose constitution is to be moulded into fitness for new conditions of existence, must be placed under those conditions. This granted, it follows that as man has been, and is still, deficient in those feelings which prevent the recurring antagonisms of individuals and their consequent disunion, some artificial agency is required by which their union may be maintained; Only by the process of adaptation itself, can be produced that

character which makes social equilibrium spontaneous. And hence, while this process is going on, an instrumentality must be employed, firstly, to bind men into the social state, and secondly to check all conduct endangering the existence of that state. Such an instrumentality we have in a government.

And now mark that whether we consider government from this point of view, or from that previously occupied, our conclusions respecting it are in essence identical. For when government fulfils the function here assigned it, of retaining men in the circumstances to which they are to be adapted, it fulfils the function which we on other grounds assigned it—that of protector. To administer justice,—to mount guard over men's rights,—is simply to render society possible. And seeing that the two definitions are thus at root the same, we shall be prepared for the fact that, in whichever way we specify its duty, the State cannot exceed that duty without defeating itself. For, if regarded as a protector, we find that the moment it does anything more than protect, it becomes an aggressor instead of a protector; and, if regarded as a help to adaptation, we find that when it does anything more than sustain the social state, it retards adaptation instead of hastening it.

To the assertion that the boundary line of State-duty as above drawn is at the wrong place, the obvious rejoinder is—show us where it should be drawn. This appeal the expediency-philosophers have never yet been able to answer. Their alleged definitions are no definitions at all. As was proved at the outset, to say that government ought to do that which is "expedient," or to do that which will tend to produce the "greatest happiness," or to do that which will subserve the "general good," is to say just nothing; for there are countless disagreements respecting the natures of these desiderata. A definition of which the terms are indefinite is an absurdity. Whilst the practical interpretation of "expediency" remains a matter of opinion, to say that a government should do that

which is "expedient," is to say that it should do, what we think it should do!

Still then our demand is—a definition. Between the two extremes of its possible action, where lies the proper limitation? Shall it extend its interference to the fixing of creeds, as in the old times; or to overlooking modes of manufacture, farming operations, and domestic affairs, as it once did; or to commerce, as of late—to popular education, as now—to public health, as already—to dress, as in China—to literature, as in Austria—to charity, to manners, to amusements? If not to all of them, to which of them? Should the perplexed inquirer seek refuge in authority, he will find precedents not only for these but for many more such interferences. If, like those who disapprove of master-tailors having their work done off the premises, or like those who want to prevent the produce of industrial prisons displacing that of the artizans, or like those who would restrain charity-school children from competing with seamstresses, he thinks it desirable to meddle with trade-arrangements, there are plenty of exemplars for him. There is the law of Henry VII., which directed people at what fairs they should sell their goods; and that of Edward VI., which enacted a fine of £100 for a usurious bargain; and that of James I., which prescribed the quantity of ale to be sold for a penny; and that of Henry VIII., which made it penal to sell any pins but such as are "double headed, and their head soldered fast to the shank, and well smoothed; the shank well shaven; the point well and round-filed and sharpened." He has the countenance, too, of those enactments which fixed the wages of labour; and of those which dictated to farmers, as in 1533, when the sowing of hemp and flax was made compulsory; and of those which forbade the use of certain materials, as that now largely-consumed article, logwood, was forbidden in 1597. If he approves of so extended a superintendence, perhaps he would adopt M. Louis Blanc's idea that "government should be considered as the supreme regulator of production;" and having adopted it, push State-control as far

as it was once carried in France, when manufacturers were pilloried for defects in the materials they employed, and in the textures of their fabrics; when some were fined for weaving of worsted a kind of cloth which the law said should be made of mohair, and others because their camlets were not of the specified width; and when a man was not at liberty to choose the place for his establishment, nor to work at all seasons, nor to work for everybody. Is this considered too detailed an interference? Then, perhaps, greater favour will be shown to those German regulations by which a shoemaker is prevented from following his craft until an inspecting jury has certified his competence; which disable a man who has chosen one calling from ever adopting another; and which forbid any foreign tradesman from settling in a German town without a licence. And if work is to be regulated, is it not proper that work should be provided, and the idle compelled to perform a due amount of it? In which case how shall we deal with our vagrant population? Shall we take a hint from Fletcher of Saltoun, who warmly advocated the establishment of slavery in Scotland as a boon to "so many thousands of our people who are at this day dying for want of bread"? or shall we adopt the analogous suggestion of Mr. Carlyle, who would remedy the distresses of Ireland by organizing its people into drilled regiments of diggers? The hours of labour too—what must be done about these? Having acceded to the petition of the factory-workers, ought we not to entertain that of the journeyman-bakers? and if that of the journeyman bakers, why not, as Mr. Cobden asks, consider the cases of the glass-blowers, the nightmen, the iron-founders, the Sheffield knife-grinders, and indeed all other classes, including the hardworked M.P.'s themselves? And when employment has been provided, and the hours of labour fixed, and trade-regulations settled, we must decide how far the State ought to look after people's minds, and morals, and health. There is this education question: having satisfied the prevalent wish for government schools with tax-paid

teachers, and adopted Mr. Ewart's plan for town-libraries and museums, should we not canvass the supplementary proposal to have national lecturers? and if this proposal is assented to, would it not be well to carry out the scheme of Sir David Brewster, who desired to have "men ordained by the State to the undivided functions of science"—"an intellectual priesthood," "to develop the glorious truths which time and space embosom*"? Then having established "an intellectual priesthood" to keep company with our religious one, a priesthood of physic, such as is advocated by certain feeless medical men, and of which we have already the germ in our union doctors, would nicely complete the trio. And when it had been agreed to put the sick under the care of public officials, consistency would of course demand the adoption of Mr. G. A. Walker's system of government funerals, under which "those in authority" are "to take especial care" that "the poorest of our brethren" shall have "an appropriate and solemn transmission" to the grave, and are to grant in certain cases "gratuitous means of interment." Having carried out thus far the communist plan of doing everything for everybody, should we not consider the peoples' amusements, and, taking example from the opera-subsidy in France, establish public ball-rooms, and *gratis* concerts, and cheap theatres, with State-paid actors, musicians, and masters of the ceremonies: using care at the same time duly to regulate the popular taste, as indeed, in the case of the Art-Union subscribers, our present Government proposed to do? Speaking of taste naturally reminds us of dress, in which sundry improvements might be enforced; for instance—the abolition of hats: we should have good precedents either in Edward IV., who find those wearing "any gown or mantell" not according to specification, and who limited the superfluity of peoples' boot-toes, or in Charles II., who prescribed the material for his subjects' grave-clothes. The matter of health, too, would

* See Address to the British Association at Edinburgh, in 1850.

need attending to; and, in dealing with this, might we not profitably reconsider those ancient statutes which protected peoples' stomachs by restricting the expenses of their tables; or, remembering how injurious are our fashionable late hours, might we not advantageously take a hint from the old Norman practice, and (otherwise prompted) fix the time at which people should put out their fires and go to bed; or might we not with benefit act upon the opinion of M. Beausobre, a statesman who said it was "proper to watch during the fruit season, lest the people eat that which is not ripe"? And then, by way of making the superintendence complete, would it not be well to follow the example of the Danish king who gave directions to his subjects how they should scour their floors, and polish their furniture?

Multiply these questions; add to them the endless subordinate ones to which they must give rise; and some idea may be formed of the maze through which the expediency-philosopher has to find his way. Where now is his clue? If he would escape the charge of political empiricism, he must show us some test by which he can in each case ascertain whether or not State-superintendence is desirable. Between the one extreme of entire non-interference, and the other extreme in which every citizen is to be transformed into a grown-up baby, there lie innumerable stopping places; and he who would have the State do more than protect, is required to say where he means to draw the line, and to give us reasons why it must be just there and nowhere else.

After the difficulty of finding out the thing to be done, comes the other difficulty of finding out the way to do it. Let us excuse the expediency-philosopher one half of his task—let us assume something to be unanimously agreed to as a proper undertaking; and now suppose we enquire of him—How about your means of accomplishing it? Are you quite sure that your apparatus will not break down under its work? quite sure that it will produce the result you wish?

quite sure that it will not produce some very different result? There is no lack of warnings. "Let us put down usury," said to themselves the rulers of the middle ages. They tried, and did just the reverse of what they intended; for it turned out that "all regulations interfering with the interest of money render its terms more rigorous and burdensome." "We will exterminate Protestantism," whispered the Continental Catholics to one another. They tried, and instead of doing this they planted in England the germs of a manufacturing organization which has to a great extent superseded their own. "It will be well to give the labouring classes fixed settlements," thought the Poor-Law legislators; and, having acted out this thought, there eventually grew up the clearance system, with its overcrowded cottages and non-resident labour-gangs. "We must suppress these brothels," decided the authorities of Berlin in 1845. They did suppress them; and in 1848, the registrar's books and the hospital returns proved matters to be considerably worse than before.* "Suppose we compel the London parishes to maintain and educate their pauper children in the country," said statesmen in the time of George III.; "it would greatly tend to the preservation of the lives of the infant parish poor." So they passed the 7 George III., c. 39; and by-and-by there began the business of child-farming, ending in the Tooting tragedy. Are not such warnings worthy of attention?

Then as to his administrative mechanisms—can he answer for the satisfactory working of them? The common remark that public business is worse managed than all other business, is not altogether unfounded. To-day he will find it illustrated in the doings of a department which makes a valuable estate like the New Forest, a loss to the country of £3000 a year; which allowed Salcey Forest to be wholly cut down and made away with by a dishonest agent; and which, in 1848, had its accounts made up to March, 1839, only. To-morrow

* Reports of Dr. Fr. J. Behrend. See *Medical Times*, March 16, 1850.

he may read of Admiralty bunglings—of ships ill-built, pulled to pieces, rebuilt, and patched; and of a sluggishness which puts the national dockyards "about seven years" behind all others. Now the exposure is of an extravagance which erects gaols at a cost of £1200 per prisoner; and now of a carelessness which permits important legal records to rot among rubbish. Here is a sailor of whom the State demanded sixpence a month towards a hospital which was never provided, and whose pension from the Merchant-Seamen's Fund is nothing like what it would have been from an ordinary insurance society; and there, on the other hand, is a Mint-moneyer who gets more than £4000 a year for doing what a tithe of the amount would amply pay for. Official delay is seen in the snail-paced progress of the Museum Catalogue; official mismanagement in the building of Houses of Parliament not fit for speaking in; and official perversity in the opposition always made to improvements by the Excise, the Customs, and the Post-Office authorities. Does the expediency-philosopher feel no apprehensions on contemplating such evidence? Or, as one specially professing to be guided by experience, does he think that on the whole experience is in his favour?

"It is a gross delusion to believe in the sovereign power of political machinery," says M. Guizot. True: and it is not only a gross delusion but a very dangerous one. Let a people believe in government-omnipotence, and they will be pretty certain to get up revolutions to achieve impossibilities. Between their exorbitant ideas of what the State ought to do for them on the one side, and its miserable performances on the other, there will surely be generated feelings extremely inimical to social order.

But this belief in "the sovereign power of political machinery" is not born with men; they are taught it. And how are they taught it? Evidently by these preachers of universal legislative superintendence, and by having seen, from

their childhood, all kinds of functions undertaken by government officials. The idea which, in his comment upon the late events in France, M. Guizot calls a "gross delusion," is an idea which he, in common with others, has been practically inculcating. He has kept in action, and in some cases even extended, that system of official supervision to which this idea owes its birth. Was it not natural that men living under the regulation of legions of prefects, sub-prefects, inspectors, controllers, intendants, commissaries, and other civil employés to the number of 535,000—men who were educated by the government, and taught religion by it—who had to ask its consent before they could stir from home—who could not publish a handbill without a permit from the authorities, nor circulate a newspaper after the censor's veto—who daily saw it dictating regulations for railways, inspecting and managing mines, building bridges, making roads, and erecting monuments—who were led to regard it as the patron of science, literature, and the fine arts, and as the dispenser of honours and rewards—who found it undertaking the manufacture of gunpowder, superintending the breeding of horses and sheep, playing the part of public pawnbroker, and monopolizing the sale of tobacco and snuff—who saw it attending to everything, from the execution of public works down to the sanitary inspection of prostitutes; was it not natural that men so circumstanced should acquire exalted ideas of State power? And, having acquired such ideas, were they not likely to desire the State to compass for them unattainable benefits; to get angry because it did not do this; and to attempt by violent means the enforcement of their wishes?* Evidently the reply must be affirmative. And if

* Just in time—just while I have before me these pages of this revised edition, there comes a striking verification. *A propos* of the measures now being taken for dealing with the famine, and the effects produced on the minds of the peasants, a report from Russia in *The Standard* for 28th November, 1891, says:—"The peasant says to himself that the Czar has fed him up to now, and shall continue to feed him. In one case I hear that an

so, it is not too much to say that this over-stepping of the proper sphere of government, leading as it does to that "gross delusion," a belief in "the sovereign power of political machinery," is the natural forerunner of such schemes as those of Blanc and Cabet, and of that confusion which the attempt to realize them by State-agency must produce.

There are other modes, too, in which social stability is endangered by this interference system. It is a very expensive system. The further it is carried the larger become the revenues required; and we all know that heavy taxation is inseparable from discontent. Moreover, it is in its nature essentially despotic. In governing everything it unavoidably cramps men; and, by diminishing their liberty of action, angers them. It galls by its infinity of ordinances and restrictions; it offends by professing to help those whom it will not allow to help themselves; and it vexes by its swarms of dictatorial officials, who are for ever stepping in between men and their pursuits. Those regulations by which the French manufacturers were hampered during the last century, when the State decided on the persons to be employed, the articles to be made, the materials to be used, and the qualities of the products—when inspectors broke the looms and burnt the goods that were not made according to law; when improvements were illegal and inventors were fined; had no small share in producing the great revolution. Nor, among the causes which conspired to overthrow the government of Louis Philippe, must we forget the irritation generated by an analogous supervision, under which a mine cannot be opened without the permission of the authorities; under which a bookseller or printer may have his business suspended by the withdrawal of his licence; and under which it is penal to take a bucket of water out of the sea.

Thus, if we regard government as a means of upholding

official who endeavoured to explain the impossibility of this was met by the reply—'If our Czar cannot feed us, we will have a Czar who can.'"

the social state, we find that, besides suffering a *direct* loss of power to perform its duty on attempting anything else, there are several subsidiary ways in which the assumption of additional functions endangers the fulfilment of its original function.

THE REGULATION OF COMMERCE.

In putting a veto upon any commercial intercourse, or in putting obstacles in the way of any such intercourse, a government trenches upon men's liberties of action; and by so doing directly reverses its function. To secure for each man the fullest freedom to exercise his faculties compatible with the like freedom of all others, we find to be the State's duty. Now trade-prohibitions and trade-restrictions not only do not secure this freedom, but they take it away. So that in enforcing them the State is transformed from a maintainer of rights into a violator of rights. If it be criminal in a civil power commissioned to shield us from murder to turn murderer itself; if it be criminal in it to play the thief, though set to keep off thieves; then must it be criminal in it to deprive men, in any way, of liberty to pursue the objects they desire, when it was appointed to insure them that liberty.

We saw that as unjust institutions derive their viciousness from moral defects in the people living under them, they must be *uniformly* pervaded by that viciousness—that as social laws, creeds, and arrangements consist merely of solidified character, the same character will be shown in *all* the social laws, creeds, and arrangements which co-exist; and, further, that any process of amelioration will affect them simultaneously. We saw that tyranny in forms of government, tyranny in the conduct of lord to serf, tyranny in religious organizations and discipline, tyranny in the marital

relationship, and tyranny in the treatment of children, regularly flourish together and regularly decrease at like rates. In the same category we must now put—tyranny in commercial laws. Sinking those minor irregularities which pervade all Nature's processes, we shall find that from the days when exportation was a capital crime, down to our own free-trade era, there has been a constant ratio kept between the stringency of mercantile restraints and the stringency of other restraints, as there has also between the increase of commercial liberty and the increase of general liberty.

A few facts will sufficiently exemplify this. Take as one the instance just alluded to, in which associated with autocratic rule in Church, in State, and in feudal hall, we find Edward III., for the purpose of making foreigners come and buy in our markets, prohibiting his subjects from sending abroad any staple goods, "under penalty of death and confiscation;" and further enacting "that the law should be unalterable either by himself or his successors." Observe, too, how this same despotic spirit was exhibited in the regulations requiring these Continental traders to reside during their stay with certain inspectors, commissioned to see the cargoes sold within a specified time and the proceeds reinvested in English goods; and charged to transmit to the Exchequer periodical statements of each merchant's bargains: regulations, by the way, of which the abandonment was in after times lamented by the venerators of ancestral wisdom, much as the abolition of the sliding scale is mourned over by a certain party of our own day. Note again how, under the same *régime*, labourers were coerced into working for fixed wages; and then how, to keep the balance even, shopkeepers had the prices of provisions dictated to them. Mark, further, that when the most tyrannical of these ordinances fell into disuse, there still continued the less burdensome ones; such as those usury laws, orders to farmers, prescribing of the material for grave-clothes, instructions to manufacturers, &c., referred to in the last chapter. But without going into fur-

ther detail—without enlarging upon the fact that those intolerable restraints once borne by the manufacturing classes of France were contemporary with intense despotism at court, and a still lingering feudalism in the provinces—without tracing the parallelism that exists between the political and commercial bondage under which, in spite of their revolutions, the French still live—without pointing out at length the same connexion of phenomena in Prussia, in Austria, and in other similarly-ruled countries—without doing all this, the evidence adduced sufficiently shows that the oppressiveness of a nation's mercantile laws varies as the oppressiveness of its general arrangements and government.

Many much-reverenced social instrumentalities, have originated in the primitive necessity of ascribing all causation to special workers—the inability to detach the idea of force from an individual something. Just in proportion as natural phenomena are regarded by any people as of personal instead of impersonal origin, will the phenomena of national life be similarly construed; and, indeed, since moral sequences are less obvious than physical ones, they will be thus construed even more generally. The old belief that a king could fix the value of coinage, and the cry raised at the change of style —"Give us our eleven days," obviously implied minds incapable of conceiving social affairs to be regulated by other than visible, tangible agencies. That there should be at work some unseen but universally-diffused influences determining the buyings and sellings of citizens and the transactions of merchants from abroad, in a way the most advantageous to all parties, was an idea as foreign to such minds as was that of uniform physical causation to the primitive Greeks; and, conversely, as the primitive Greeks could understand the operations of Nature being performed by a number of presiding individualities, so, to the people of the middle ages, it was comprehensible that a proper production and distribution of commodities could be ensured by acts of

Parliament and government officials. While the due regulation of trade by natural indestructible forces was inconceivable to them, they could conceive trade to be duly regulated by forces resident in some material instrumentality put together by legislators, clothed in the robes of office, painted by court-flatterers, and decorated with "jewels five words long."

RELIGIOUS ESTABLISHMENTS.

EVERY State-church is essentially popish. *We*, also, have a Vatican—St. Stephen's. It is true that our arch-priest is a composite one. It is true that with us the triple tiara is separated into its parts—one for monarch, one for peers, and one for commons. But this fact makes no difference. In substance, popery is the assumption of infallibility. It matters not in principle whether this assumption is made by one man or by an assembly of men. No doubt the astounding announcement—"You must believe what we say is right, and not what you think is right," comes less offensively from the lips of a parliamentary majority than from those of a single individual. But there still arises the question—By what authority do these men assert this?

Before State-paid ministers can be set to preach, it must first be decided *what* they are to preach. And who is to say? Clearly the State. Either it must itself elaborate a creed, or it must depute some man or men to do so. It must in some way sift out truth from error, and cannot escape the responsibility attending this. If it undertakes itself to settle the doctrines to be taught, it is responsible. If it adopts a ready-made set of doctrines, it is equally responsible. And if it selects its doctrines by proxy, it is still responsible; both as appointing those who choose for it, and as approving their choice. Hence, to say that a government ought to set up and maintain a system of religious instruction, is to say that it ought to pick out from amongst the various tenets that men

hold or have held, those which are right; and that, when it has done this—when it has settled between the Roman Catholic, the Greek, the Lutheran, and the Anglican creeds, or between High Church, Broad Church, and Evangelical ones—when it has decided whether we should be baptized during infancy or at a mature age, whether the truth is with Trinitarians or Unitarians, whether men are saved by faith or by works, whether pagans go to hell or not, whether ministers should preach in black or white, whether confirmation is scriptural, whether or not saints' days should be kept, and (as we have lately seen it debating) whether baptism does or does not regenerate—when, in short, it has settled all those controversies which have split mankind into innumerable sects, it ought to assert that its judgment is beyond appeal. There is no alternative. Unless the State says this, it convicts itself of the most absurd inconsistency. Only on the supposition of infallibility can its ecclesiastical doings be made to seem tolerable. How else shall it demand rates and tithes of the dissenter? "Are you quite sure about these doctrines of yours?" inquires the dissenter. "No," replies the State; "not quite sure, but nearly so." "Then it is just possible you may be wrong, is it not?" "Yes." "And it is just possible that I may be right, is it not?" "Yes." "Yet you threaten to inflict penalties upon me for nonconformity! You seize my goods; you imprison me if I resist; and all to force from me the means to preach up doctrines which you admit may be false, and, by implication, to preach down doctrines which you admit may be true!" Evidently, therefore, if the State persists, the only position open to it is that its judgment *cannot* be mistaken. And now observe, that if it says this, it stands committed to the whole Roman Catholic discipline as well as to its theory. It is bound to put down all adverse teachers, as usurping its function and hindering the reception of its unquestionable doctrine—is bound to use as much force as may be needful for doing this—is bound, therefore, to imprison, to fine, and, if necessary, to inflict

severer penalties, so that error may be exterminated and truth be triumphant. If, rather than punish a few on Earth, it allows many to be eternally damned for misbelief, it is manifestly culpable. Evidently it must do all, or it must do nothing. If it does not claim infallibility, it cannot in reason set up a national religion; and if, by setting up a national religion, it does claim infallibility, it ought to coerce all men into the belief of that religion. Thus, as we said, every State-church is essentially popish.

POOR-LAWS.

The notion popularized by Cobbett, that every one has a right to a maintenance out of the soil, leaves those who adopt it in an awkward predicament. Ask for some precise definition of the right—inquire "What is a maintenance?" They are dumb. "Is it," say you, "potatoes and salt, with rags and a mud cabin? or is it bread and bacon, in a two-roomed cottage? Will a joint on Sundays suffice? or does the demand include meat and malt liquor daily? Will tea, coffee, and tobacco be expected? and if so, how many ounces of each? Are bare walls and brick floors all that is needed? or must there be carpets and paper-hangings? Are shoes considered essential? or will the Scotch practice be approved? Shall the clothing be of fustian? if not, of what quality must the broadcloth be? In short, just point out where, between the two extremes of starvation and luxury, this something called a maintenance lies." Again they are dumb. There is no possible reply for them. Opinions they may offer in plenty; but not a precise unanimous answer. One thinks that a bare subsistence is all that can fairly be demanded. Here is another who hints at something beyond mere necessaries. And some of the more consistent, pushing the doctrine to its legitimate result, will rest satisfied with nothing short of community of property. Who now shall decide among these conflicting notions?

The right to labour—that French translation of our poor-law doctrine—may be similarly treated. A criticism parallel

to the foregoing would place its advocates in a parallel dilemma. But there is another way in which the fallacy of this theory, either in its English or its Continental form, may be made manifest.

When the artizan asserts his right to have work provided for him, he presupposes the existence of some power on which devolves the duty of providing such work. What power is this? The government, he says. But the government is not an original power, it is a deputed one, and can be held responsible for nothing save the performance of its employer's behests. Who is its employer? Society. Strictly speaking, therefore, the assertion of our artizan is, that it is the duty of society to find work for him. But he is himself a member of society, and has hence a share in the *duty* of finding work for every man. And hence, if we indicate his fellows alphabetically, his theory is that A, B, C, and the rest of the nation, are bound to find work for him; that he is bound, in company with B, C, and the rest, to find work for A; that he is bound, in company with A, C, and the rest, to find work for B; and so on with each individual of the many millions, of whom the society may be composed!

Most of the objections raised by the dissenter to an established religion tell with equal force against established charity. He asserts that it is unjust to tax him for the support of a creed he does not believe. May not another as reasonably protest against being taxed for the maintenance of a system of relief he disapproves? He denies the right of any bishop or council to choose for him which doctrine he shall accept and which he shall reject. Why does he not also deny the right of any commissioner or vestry to choose for him who are worthy of his charity and who are not? If he dissents from a national church on the ground that religion will be more general and more sincere when voluntarily sustained, should he not similarly dissent from a poor-law on the ground that spontaneous beneficence will produce results both wider and better? Might not the corruption which he

it as neutralizing the effects of a State-taught creed. eled by those evils of pauperism accompanying a vision for the poor? Whoso believes that spiritual n is to be remedied only by a national church, may ne show of reason propose to deal with physical n by an analogous instrumentality. But the advo- oluntaryism is bound to stand by his principle in the as much as in the other.

:her the sufferings of the unfortunate shall be soothed ence to the gentle whisperings of benevolence, or fear of the harsh threats of law shall be the motive ving them, is indeed a question of no small im- . In deciding how misery is best alleviated, we have er, not only what is done for the afflicted, but what ctive effect upon those who do it. The relationship igs up between benefactor and beneficiary is, for this state of the world, a refining one. The emotion ying every generous act adds an atom to the fabric eal man. As no cruel thing can be done without being thrust a degree back towards barbarism, so no ng can be done without character being moved a rward towards perfection. Doubly efficacious, there- all assuagings of distress instigated by sympathy; only do they remedy the particular evils to be met, help to mould humanity into a form by which such one day be precluded.

therwise is it with law-enforced plans of relief. These just the opposite influence. "The quality of mercy is not strained," says the poet. But a poor-law tries men pitiful by force. "It droppeth as the gentle n heaven," continues the poet. By a poor-law it is om the unwilling. "It blesses him that gives, and takes," adds the poet. A poor-law makes it curse e one with discontent and recklessness, the other plainings and often-renewed bitterness.

This turning of balm into poison must have been remarked by the most careless. Watch a ratepayer when the collector's name is announced. You will observe no kindling of the eye at some thought of happiness to be conferred—no relaxing of the mouth as though selfish cares had for the moment been forgotten—no softening of the voice to tell of compassionate emotion: no, none of these; but rather will you see contracted features, a clouded brow, a sudden disappearance of what habitual kindliness of expression there may be. The tax-paper is glanced over half in fear and half in vexation; there are grumblings about the short time that has elapsed since the last rate. The purse comes slowly from the pocket; and after the collector, who is treated with bare civility, has made his exit, some little time passes before the usual equanimity is regained. Is there anything in this to remind us of the virtue which is "twice blessed?" Note, again, how this act-of-parliament charity perpetually supersedes men's better sentiments. Here is a respectable citizen with enough and to spare: a man of some feeling; liberal, if there is need; generous even, if his pity is excited. A beggar knocks at his door; or he is accosted in his walk by some way-worn tramp. What does he do? Does he listen, investigate, and, if proper, assist? No; he commonly cuts short the tale with —"I have nothing for you, my good man; you must go to your parish." And then he shuts the door, or walks on, as the case may be, with evident unconcern. Thus does the consciousness that there exists a legal provision for the indigent, act as an opiate to the yearnings of sympathy. Had there been no ready-made excuse, the behaviour would probably have been different. Commiseration, pleading for at least an inquiry into the case, would most likely have prevailed; and, in place of an application to the board of guardians, ending in a pittance coldly handed across the pay-table to be thanklessly received, might have commenced a relationship good for both parties—a generosity humanizing to the one, and a succour made doubly valuable to the other

by a few words of consolation and encouragement, followed, it may be, by a lift into some self-supporting position.

In truth there could hardly be found a more efficient device for decreasing fellow-feeling, than this system of State-almsgiving. Being kind by proxy!—could anything be more blighting to the finer instincts? Here is an institution through which, for a few shillings periodically paid, the citizen may compound for all kindness owing from him to his poorer brothers. Is he troubled with twinges of conscience? here is an anodyne for him, to be had by subscribing so much in the pound on his rental. Is he indifferent as to the welfare of others? why then in return for punctual payment of rates he shall have absolution for hardness of heart. Look: here is the advertisement. "Gentlemen's benevolence done for them, in the most business-like manner, and on the lowest terms. Charity doled out by a patent apparatus, warranted to save all soiling of fingers and offence to the nose. Good works undertaken by contract. Infallible remedies for self-reproach always on hand. Tender feelings kept easy at per annum."

Thus we have the gentle, softening, elevating intercourse that should be habitually taking place between rich and poor, superseded by a cold, hard, lifeless mechanism, bound together by dry parchment acts and regulations—managed by commissioners, boards, clerks, and collectors, who perform their respective functions as tasks—and kept going by money forcibly taken from all classes indiscriminately. In place of the music breathed by feelings attuned to kind deeds, we have the harsh creaking and jarring of a thing that cannot stir without creating discord—a thing whose every act, from the gathering of its funds to their final distribution, is prolific of grumblings, discontent, anger—a thing that breeds squabbles about authority, disputes as to claims, brow-beatings, jealousies, litigations, corruption, trickery, lying, ingratitude—a thing that supplants, and there-

fore makes dormant, men's nobler feelings, while it stimulates their baser ones.

And now mark how we find illustrated in detail the truth elsewhere expressed in the abstract, that whenever a government oversteps its duty—the maintaining of men's rights—it inevitably retards the process of adaptation. For what faculty is it whose work a poor-law so officiously undertakes? Sympathy. The very faculty above all others needing to be exercised. The faculty which distinguishes the social man from the savage. The faculty which originates the idea of justice and makes men regardful of one another's claims. Of this faculty poor-laws partially supply the place. By doing which they diminish the demands made upon it, limit its exercise, check its development, and therefore retard the process of adaptation.

Pervading all Nature we may see at work a stern discipline which is a little cruel that it may be very kind. That state of universal warfare maintained throughout the lower creation, to the great perplexity of many worthy people, is at bottom the most merciful provision which the circumstances admit of. It is much better that the ruminant animal, when deprived by age of the vigour which made its existence a pleasure, should be killed by some beast of prey, than that it should linger out a life made painful by infirmities, and eventually die of starvation. By the destruction of all such, not only is existence ended before it becomes burdensome, but room is made for a younger generation capable of the fullest enjoyment; and, moreover, out of the very act of substitution happiness is derived for a tribe of predatory creatures. Note, further, that their carnivorous enemies not only remove from herbivorous herds individuals past their prime, but also weed out the sickly, the malformed, and the least fleet or powerful. By the aid of which purifying process, as well as by the fighting so universal in the pairing season, all vitiation of the race through the multiplication of its inferior

samples is prevented; and the maintenance of a constitution completely adapted to surrounding conditions, and therefore most productive of happiness, is ensured.

The development of the higher creation is a progress towards a form of being, capable of a happiness undiminished by these drawbacks. It is in the human race that the consummation is to be accomplished. Civilization is the last stage of its accomplishment. And the ideal man is the man in whom all the conditions to that accomplishment are fulfilled. Meanwhile, the well-being of existing humanity and the unfolding of it into this ultimate perfection, are both secured by that same beneficial though severe discipline, to which the animate creation at large is subject. It seems hard that an unskilfulness which with all his efforts he cannot overcome, should entail hunger upon the artizan. It seems hard that a labourer incapacitated by sickness from competing with his stronger fellows, should have to bear the resulting privations. It seems hard that widows and orphans should be left to struggle for life or death. Nevertheless, when regarded not separately but in connexion with the interests of universal humanity, these harsh fatalities are seen to be full of beneficence—the same beneficence which brings to early graves the children of diseased parents, and singles out the intemperate and the debilitated as the victims of an epidemic.

There are many very amiable people who have not the nerve to look this matter fairly in the face. Disabled as they are by their sympathies with present suffering, from duly regarding ultimate consequences, they pursue a course which is injudicious, and in the end even cruel. We do not consider it true kindness in a mother to gratify her child with sweetmeats that are likely to make it ill. We should think it a very foolish sort of benevolence which led a surgeon to let his patient's disease progress to a fatal issue, rather than inflict pain by an operation. Similarly, we must call those spurious philanthropists who, to prevent pres-

ent misery, would entail greater misery on future generations. That rigorous necessity which, when allowed to operate, becomes so sharp a spur to the lazy and so strong a bridle to the random, these paupers' friends would repeal, because of the wailings it here and there produces. Blind to the fact that under the natural order of things society is constantly excreting its unhealthy, imbecile, slow, vacillating, faithless members, these unthinking, though well-meaning, men advocate an interference which not only stops the purifying process, but even increases the vitiation—absolutely encourages the multiplication of the reckless and incompetent by offering them an unfailing provision, and *dis*courages the multiplication of the competent and provident by heightening the difficulty of maintaining a family. And thus, in their eagerness to prevent the salutary sufferings that surround us, these sigh-wise and groan-foolish people bequeath to posterity a continually increasing curse.

Returning again to the highest point of view, we find that there is a second and still more injurious mode in which law-enforced charity checks the process of adaptation. To become fit for the social state, man has not only to lose his savageness but he has to acquire the capacities needful for civilized life. Power of application must be developed; such modification of the intellect as shall qualify it for its new tasks must take place; and, above all, there must be gained the ability to sacrifice a small immediate gratification for a future great one. The state of transition will of course be an unhappy state. Misery inevitably results from incongruity between constitution and conditions. Humanity is being pressed against the inexorable necessities of its new position—is being moulded into harmony with them, and has to bear the resulting unhappiness as best it can. The process *must* be undergone and the sufferings *must* be endured. No power on Earth, no cunningly-devised laws of statesmen, no world-rectifying schemes of the humane, no communist panaceas, no reforms that men ever did broach or ever will

broach, can diminish them one jot. Intensified they may be, and are; and in preventing their intensification the philanthropic will find ample scope for exertion. But there is bound up with the change a *normal* amount of suffering, which cannot be lessened without altering the very laws of life. Every attempt at mitigation of this eventuates in exacerbation of it. All that a poor-law or any kindred institution can do, is to partially suspend the transition—to take off for a time, from certain members of society, the painful pressure which is effecting their transformation. At best this is merely to postpone what must ultimately be borne. But it is more than this: it is to undo what has already been done. For the circumstances to which adaptation is taking place cannot be superseded without causing a retrogression; and as the whole process must some time or other be passed through, the lost ground must be gone over again, and the attendant pain borne afresh.

At first sight these considerations seem conclusive against *all* relief to the poor—voluntary as well as compulsory; and it is no doubt true that they imply a condemnation of whatever private charity enables the recipients to elude the necessities of our social existence. With this condemnation, however, no rational man will quarrel. That careless squandering of pence which has fostered into perfection a system of organized begging—which has made skilful mendicancy more profitable than ordinary manual labour—which induces the simulation of diseases and deformities—which has called into existence warehouses for the sale and hire of impostor's dresses—which has given to pity-inspiring babes a market value of 9*d.* per day—the unthinking benevolence which has generated all this, cannot but be disapproved by every one. Now it is only against this injudicious charity that the foregoing argument tells. To that charity which may be described as helping men to help themselves, it makes no objection—countenances it rather. And in helping men to help themselves, there remains abundant scope for the exer-

cise of a people's sympathies. Accidents will still supply victims on whom generosity may be legitimately expended. Men thrown off the track by unforeseen events, men who have failed for want of knowledge inaccessible to them, men ruined by the dishonesty of others, and men in whom hope long delayed has made the heart sick, may, with advantage to all parties, be assisted. Even the prodigal, after severe hardship has branded his memory with the unbending conditions of social life to which he must submit, may properly have another trial afforded him. And, although by these ameliorations the process of adaptation must be remotely interfered with, yet, in the majority of cases, it will not be so much retarded in one direction as it will be advanced in another.

Objectionable as we find a poor-law to be, even under the supposition that it does what it is intended to do—diminish present suffering—how shall we regard it on finding that in reality it does no such thing—cannot do any such thing? Yet, paradoxical as the assertion looks, this is absolutely the fact. Let but the observer cease to contemplate so fixedly one side of the phenomenon—pauperism and its relief, and begin to examine the other side—rates and the *ultimate* contributors of them, and he will discover that to suppose the sum-total of distress diminishable by act-of-parliament bounty is a delusion.

Here, at any specified period, is a given quantity of food and things exchangeable for food, in the hands or at the command of the middle and upper classes. A certain portion of this food is needed by these classes themselves, and is consumed by them at the same rate, or very near it, be there scarcity or abundance. Whatever variation occurs in the sum-total of food and its equivalents, must therefore affect the remaining portion, not used by these classes for personal sustenance. This remaining portion is paid by them to the people in return for their labour, which is partly expended in

the production of a further supply of necessaries, and partly in the production of luxuries. Hence, by how much this portion is deficient, by so much must the people come short. A re-distribution by legislative or other agency cannot make that sufficient for them which was previously insufficient. It can do nothing but change the parties by whom the insufficiency is felt. If it gives enough to some who else would not have enough, it must inevitably reduce certain others to the condition of not having enough.

Should there be any to whom this abstract reasoning is unsatisfactory, a concrete statement of the case will, perhaps, remove their doubts. A poors'-rate collector takes from the citizen a sum of money equivalent to bread and clothing for one or more paupers. Had not this sum been so taken, it would either have been used to purchase superfluities, which the citizen now does without, or it would have been paid by him into a bank, and lent by the banker to a manufacturer, merchant, or tradesman; that is, it would ultimately have been given in wages either to the producer of the superfluities or to an operative paid out of the banker's loan. But this sum having been carried off as poors'-rate, whoever would have received it as wages must now to that extent go without wages. The food which it represented having been taken to sustain a pauper, the artizan to whom that food would have been given in return for work done, must now to that extent lack food. And thus, as at first said, the transaction is simply a change of the parties by whom the insufficiency of food is felt.

Nay, the case is even worse. Already it has been pointed out that, by suspending the process of adaptation, a poor-law increases the distress to be borne at some future day; and here we shall find that it also increases the distress to be borne now. For be it remembered that of the sum taken in any year to support paupers, a large portion would otherwise have gone to support labourers employed in new reproductive works—land-drainage, machine-building, &c. An additional

stock of commodities would by-and-by have been produced, and the number of those who go short would consequently have been diminished. Thus the astonishment expressed by some that so much misery should exist, notwithstanding the distribution of fifteen millions a year by endowed charities, benevolent societies, and poor-law unions, is quite uncalled for; seeing that the larger the sum gratuitously administered, the more intense will shortly become the suffering. Manifestly, out of a given population, the greater the number living on the bounty of others, the smaller must be the number living by labour; and the smaller the number living by labour, the smaller must be the production of food and other necessaries; and the smaller the production of food and other necessaries, the greater must be the distress.

NATIONAL EDUCATION.

In the same way that our definition of State-duty forbids the State to administer religion or charity, so likewise does it forbid the State to administer education. Inasmuch as the taking away, by Government, of more of a man's property than is needful for maintaining his rights, is an infringement of his rights, and therefore a reversal of the Government's function towards him; and inasmuch as the taking away of his property to educate his own or other people's children is not needful for the maintaining of his rights; the taking away of his property for such a purpose is wrong.

Should it be said that the rights of the children are involved, and that State-interposition is required to maintain these, the reply is that no cause for such interposition can be shown until the children's rights have been violated, and that their rights are not violated by a neglect of their education. For, as repeatedly explained, what we call rights are merely arbitrary subdivisions of the general liberty to exercise the faculties; and that only can be called an infringement of rights which actually diminishes this liberty—cuts off a previously existing power to pursue the objects of desire. Now the parent who is careless of a child's education does not do this. The liberty to exercise the faculties is left intact. Omitting instruction in no way takes from a child's freedom to do whatsoever it wills in the best way it can; and this freedom is all that equity demands. Every aggression, be it remembered—every infraction of rights, is necessarily

active; whilst every neglect, carelessness, omission, is as necessarily *passive.* Consequently, however wrong the non-performance of a parental duty may be, it does not amount to a breach of the law of equal freedom, and cannot therefore be taken cognizance of by the State.

Were there no direct disproof of the frequently-alleged right to education at the hands of the State, the absurdities in which it entangles its assertors would sufficiently show its invalidity. Conceding for a moment that the Government is bound to educate a man's children, then, what kind of logic will demonstrate that it is not bound to feed and clothe them? If there should be an act-of-parliament provision for the development of their minds, why should there not be an act-of-parliament provision for the development of their bodies? The reasoning which is held to establish the right to intellectual food will equally well establish the right to material food: nay, will do more—will prove that children should be altogether cared for by Government. For if the benefit, importance, or necessity, of education, be assigned as a sufficient reason why Government should educate, then may the benefit, importance, or necessity, of food, clothing, shelter, and warmth be assigned as a sufficient reason why Government should administer these also. So that the alleged right cannot be established without annulling all parental responsibility whatever.

Should further refutation be needful, there is the ordeal of a definition. We lately found this ordeal fatal to the assumed right to a maintenance; we shall find it equally fatal to this assumed right to an education. For what is an education? Where, between the teaching of a dame-school and the most comprehensive university *curriculum*, can be drawn the line separating that portion of mental culture which may be justly claimed of the State, from that which may not be so claimed? What peculiar quality is there in reading, writing, and arithmetic which gives the embryo citizen the right to have them

imparted to him, but which quality is not shared in by geography, and history, and drawing, and the natural sciences? Must calculation be taught because it is useful? why so is geometry, as the carpenter and mason will tell us; so is chemistry, as we may gather from dyers and bleachers. Where is the unit of measure by which we may determine the respective values of different kinds of knowledge? Or, assuming them determined, how can it be shown that a child may claim from the civil power knowledge of such and such values, but not knowledge of certain less values?

A sad snare would these advocates of legislative teaching betray themselves into, could they substantiate their doctrine. For what is meant by saying that a Government ought to educate the people? Why should they be educated? What is the education for? Clearly to fit the people for social life —to make them good citizens. And who is to say what are good citizens? The Government: there is no other judge. And who is to say how these good citizens may be made? The Government: there is no other judge. Hence the proposition is convertible into this—a Government ought to mould children into good citizens, using its own discretion in settling what a good citizen is, and how the child may be moulded into one. It must first form for itself a definite conception of a pattern citizen; and having done this, must elaborate a system of discipline which seems best calculated to produce citizens after that pattern. This system of discipline it is bound to enforce to the uttermost. For if it does otherwise, it allows men to become different from what in its judgment they should become, and therefore fails in that duty it is charged to fulfil. Being thus justified in carrying out rigidly such plans as it thinks best, every Government ought to do what the despotic Governments of the Continent and of China do. That regulation under which, in France, "private schools cannot be established without a licence from the minister, and can be shut up by a simple ministerial

order," is a step in the right direction, but does not go far enough; seeing that the State cannot permit its mission to be undertaken by others, without endangering the due performance of it. The forbidding of all private schools whatever, as until recently in Prussia, is nearer the mark. Austrian legislation, too, realizes with some consistency the State-education theory. By it a tolerably stringent control over the mental culture of the nation is exercised. Much thinking being held at variance with good citizenship, the teaching of metaphysics, political economy, and the like, is discouraged. Some scientific works are prohibited. And a reward is offered for the apprehension of those who circulate bibles—the authorities in the discharge of their function preferring to entrust the interpretation of that book to their employés the Jesuits. But in China alone is the idea carried out with logical completeness. There the Government publishes a list of works which may be read; and, considering obedience the supreme virtue, authorizes such only as are friendly to despotism. Fearing the unsettling effects of innovation, it allows nothing to be taught but what proceeds from itself. To the end of producing pattern-citizens it exerts a stringent discipline over all conduct. There are "rules for sitting, standing, walking, talking, and bowing, laid down with the greatest precision. Scholars are prohibited from chess, football, flying kites, shuttlecock, playing on wind instruments, training beasts, birds, fishes, or insects —all which amusements, it is said, dissipate the mind and debase the heart."

Now a minute dictation like this, which extends to every action and will brook no nay, is the legitimate realization of this State-education theory. Whether the Government has erroneous conceptions of what citizens ought to be, or whether the methods of training it adopts are injudicious, is not the question. According to the hypothesis it is commissioned to discharge a specified function. It finds no ready-prescribed way of doing this. It has no alternative,

therefore, but to choose that way which seems to it most fit. And as there exists no higher authority, either to dispute or confirm its judgment, it is justified in the absolute enforcement of its plans, be they what they may. As from the proposition that Government ought to teach religion, there springs the other proposition, that Government must decide what is religious truth, and how it is to be taught; so, the assertion that Government ought to educate, necessitates the further assertion that it must say what education is, and how it shall be conducted. And the same rigid popery, which we found to be a logical consequence in the one case, follows in the other also.

There are few sayings more trite than this, that love of offspring is one of our most powerful passions. To become a parent is an almost universal wish. The intensity of affection exhibited in the glistening eye, the warm kiss, and the fondling caress—in the untiring patience, and the ever ready alarm of the mother, is a theme on which philosophers have written and poets have sung in all ages. Every one has remarked how commonly the feeling overmasters all others. Observe the self-gratulation with which maternity witnesses her first-born's unparalleled achievements. Mark the pride with which the performances of each little brat are exhibited to every visitor as indicating a precocious genius. Consider again the deep interest which in later days a father feels in his children's mental welfare, and the anxiety he manifests to get them on in life: the promptings of his natural affection being ofttimes sharpened by the reflection that the comfort of his old age may, perchance, be dependent upon their success.

Now, "servants and interpreters of nature" have usually supposed these feelings to be of some use. Hitherto they have thought that the gratification a mother feels from the forwardness of her little ones serves as an educational stimulus—that the honour which the father expects to derive from

the distinction of his sons acts as an incentive to their improvement—and that the anticipation by parents of the distress which ill-trained children may one day entail constitutes an additional spur to the proper management of them. It would appear, however, according to the State-educationists, that they have been mistaken. It seems that this apparatus of feelings is insufficient to do the needful work. And so, in default of any natural provision for supplying the exigency, legislators exhibit to us the design and specification of a State-machine, made up of masters, ushers, inspectors, and councils, to be worked by a due proportion of taxes, and to be plentifully supplied with raw material, in the shape of little boys and girls, out of which it is to grind a population of well-trained men and women.

But it is argued that parents, and especially those whose children most need instructing, do not know what good instruction is. "In the matter of education," says Mr. Mill, "the intervention of Government is justifiable; because the case is one in which the interest and judgment of the consumer are not sufficient security for the goodness of the commodity."

It is strange that so judicious a writer should feel satisfied with such a worn-out excuse. This alleged incompetency on the part of the people has been the reason assigned for all State-interferences whatever. It was on the plea that buyers were unable to tell good fabrics from bad, that those complicated regulations which encumbered the French manufacturers were established. The use of certain dyes here in England was prohibited, because of the insufficient discernment of the people. Directions for the proper making of pins were issued, under the idea that experience would not teach the purchasers which were best. Those examinations as to competency which the German handicraftsmen undergo, are held needful as safeguards to the consumers. There is hardly a single department of life over which, for similar reasons,

legislative supervision has not been, or may not be, established. Here is Mr. H. Hodson Rugg, M.R.C.S., publishing a pamphlet to point out the injury inflicted upon poor ignorant householders by the adulteration of milk, and proposing as a remedy that there shall be Government officers to test the milk, and to confiscate it when not good—police to inspect the ventilation of cow-sheds and to order away invalid cattle—and a Government cow-infirmary, with veterinary surgeon attached. To-morrow some one else may start up to tell us that bad bread is still more injurious than bad milk, equally common, quite as difficult to distinguish, and that, consequently, bakehouses ought to be overlooked by the authorities. Next there will be wanted officials with hydrometers and chemical re-agents, to dabble in the vats of the porter-breweries. In the wake of these must, of course, follow others, commissioned to watch the doings of wine-merchants. And so on until, in the desire to have all processes of production duly inspected, we approach a condition somewhat like that of the slave-States, in which, as they say, "one-half of the community is occupied in seeing that the other half does its duty." And for each additional interference the plea may be, as it always has been, that "the interest and judgment of the consumer are not sufficient security for the goodness of the commodity."

Should it be said that the propriety of legislative control depends upon circumstances; that respecting some articles the judgment of consumers *is* sufficient, while respecting other articles it is not; and that the difficulty of deciding upon its quality, places education among these last; the reply again is, that the same has been said on behalf of all meddlings in turn. Plenty of trickeries, plenty of difficulties in the detection of fraud, plenty of instances showing the inability of purchasers to protect themselves, are cited by the advocates of each proposed recourse to official regulation; and in each case it is urged that here, at any rate, official regulation is required. Yet does experience disprove these

inferences one after another, teaching us that, in the long run, the interest of the consumer is not only an efficient guarantee for the goodness of the things consumed, but the best guarantee. Is it not unwise, then, to trust for the hundredth time in one of these plausible but deceptive conclusions? Is it not wise, rather, to infer that however much appearances are to the contrary, the choice of the commodity education, like the choice of all other commodities, may be safely left to the discretion of buyers?

Still more reasonable will this inference appear on observing that the people are not, after all, such incompetent judges of education as they seem. Ignorant parents are generally quick enough to discern the effects of good or bad teaching: will note them in the children of others, and act accordingly. Moreover it is easy for them to follow the example of the better instructed, and choose the same schools. Or they may get over the difficulty by asking advice; and there is generally some one both able and willing to give the uneducated parent a trustworthy answer to his inquiry about teachers. Lastly, there is the test of price. With education, as with other things, price is a tolerably safe index of value; it is one open to all classes; and it is one which the poor instinctively appeal to in the matter of schools; for it is notorious that they look coldly at very cheap or gratuitous instruction.

But even admitting that while this defect of judgment is not virtually so great as is alleged, it nevertheless exists, the need for interference is still denied. The evil is undergoing rectification, as all analogous ones are or have been. The rising generation will better understand what good education is than their parents do, and their descendants will have clearer conceptions of it still. Whoso thinks the slowness of the process a sufficient reason for meddling, must, to be consistent, meddle in all other things; for the ignorance which in every case serves as an excuse for State-interposition is of very gradual cure. The errors both of consumers and pro-

ducers often take generations to set right. Improvements in the carrying on of commerce, in manufactures, and especially in agriculture, spread almost imperceptibly. Take rotation of crops for an example. And if this tardiness is a valid argument for interference in one case, why not in others? Why not have farms superintended by Government, because it may take a century for farmers generally to adopt the plans suggested by modern science?

When, in the matter of education, "the interest and judgment of the consumer" are said not to be "sufficient security for the goodness of the commodity;" and when it is argued that Government superintendence is therefore needful; a very questionable assumption is made: the assumption, namely, that "the interest and judgment" of a Government *are* sufficient security. Now there is good reason to dispute this; nay, even to assert that, taking the future into account, they offer much less security.

The problem is how best to develop minds: a problem among the most difficult—may we not say, *the* most difficult? Two things are needful for its solution. First, to know what minds should be fashioned into. Next, to know how they may be so fashioned. From the work to be done, turn we now to the proposed doers of it. Men of education (as the word goes) they no doubt are; well-meaning, many of them; thoughtful, some; philosophical, a few: men, however, for the most part, born with silver spoons in their mouths, and prone to regard human affairs as reflected in these—somewhat distortedly. Very comfortable lives are led by the majority of them, and hence "things as they are" find favour in their eyes. For their tastes—they are shown in the subordination of national business to the shooting of grouse and the chasing of foxes. For their pride—it is in wide estates or long pedigrees; and should the family coat of arms bear some such ancient motto as "Strike hard," or "Furth fortune, and fill the fetters," it is a great happiness. As to their

ideal of society—it is either a sentimental feudalism; or it is a state under which the people shall behave "lowly and reverently to all their betters" and "do their duty in that state of life unto which it shall please God to call them;" or it is a state arranged with the view of making each labourer the most efficient producing tool, to the end that the accumulation of wealth may be the greatest possible. Add to this, that their notions of moral discipline are shown in the sending of their sons to schools where fagging and flogging are practised, and where they themselves were brought up. Now can the "judgment" of such respecting the commodity education, be safely relied on? Certainly not.

Thus, even were it true that in the matter of education "the interest and judgment of the consumer are not sufficient security for the goodness of the commodity," the wisdom of superseding them by the "interest and judgment" of a Government is by no means obvious. It may, indeed, be said that the argument proves only the unfitness of existing Governments to become national teachers, and not the unfitness of a Government normally constituted; whereas the object of inquiry being to determine what a Government *should* do, the hypothesis must be that the Government is what it *should* be. To this the reply is, that the nature of the allegation to be met necessitates a descent to the level of present circumstances. It is on the defective "interest and judgment" of the people, *as they now are*, that the plea for legislative superintendence is based; and, consequently, in criticizing this plea we must take Government *as it now is*. We cannot reason as though Government were what it should be; since, before it can become such, any alleged deficiency of "interest and judgment" on the part of the people must have disappeared.

The impolicy of setting up a national organization for cultivating the popular mind, and commissioning the Gov-

ernment to superintend this organization, is further seen in the general truth that every such organization is in spirit conservative, and not progressive. All institutions have an instinct of self-preservation growing out of the selfishness of those connected with them. Their roots are in the past and the present; never in the future. Change threatens them, modifies them, eventually destroys them. Hence to change they are uniformly opposed. On the other hand, education, properly so called, is closely associated with change—is always fitting men for higher things, and *un*fitting them for things as they are. Therefore, between institutions whose existence depends upon man continuing what he is, and true education, which is one of the instruments for making him something other than he is, there must always be enmity.

From the time of the Egyptian priesthood downwards, the conduct of corporations, whether political, ecclesiastical, or educational, has given proof of this. Some 300 years B. C., unlicensed schools were forbidden by the Athenian senate. In Rome, the liberty of teaching was attacked twice before the Christian era; and again, afterwards, by the Emperor Julian. The existing Continental Governments show, by their analogous policy, how persistent the tendency is. In the universality of censorships we see the same fact further illustrated. The celebrated saying of the Empress Catharine to her prime minister, well exhibits the way in which rulers regard the spread of knowledge. And whenever Governments have undertaken to educate, it has been with the view of forestalling that spontaneous education which threatened their own supremacy. Witness the case of China, where diligently-impressed ideas, such as—"O! how magnificent are the affairs of Government!" "O! what respect is due to the officers of Government!" sufficiently indicate the intention. Witness, again, the case of Austria, where, in accordance with the will of the Emperor Francis, the training of the popular mind was entrusted to the Jesuits,

that they might "counteract the propagandism of liberty, by the propagandism of superstition." Nor have there been wanting signs of a like spirit here in England. The attempt in Cobbett's day to put down cheap literature, by an Act which prevented weekly publications from being sold for less than sixpence, unmistakably indicated it. It was again exhibited in the reluctance with which the newspaper stamp-duty was reduced, when resistance had become useless. And we may still see it in the double-facedness of a legislature which professes to favour popular enlightenment, and yet continues to raise a million and a quarter sterling yearly from "taxes on knowledge."

How unfriendly all ecclesiastical bodies have been to the spread of education every one knows. The obstinacy shown by the Brahmin in fighting against the truths of modern science—the fanaticism with which the Mahometan doctor ignores all books but the Koran—the prejudice fostered by the religious institutions of our own country against the very name of philosophy; are kindred illustrations of the conduct which this self-conserving instinct produces. In that saying of the monks—"We must put down printing or printing will put down us," the universal motive was plainly expressed; as it was, again, through the mouth of that French bishop who denounced the Bell and Lancaster systems as inventions of the devil. Nor let any one conclude that the educational zeal latterly manifested by Church-clergy indicates a new animus. Those who remember the bitterness with which Sunday schools were at first assailed by them, and those who mark how keenly they now compete with Dissenters for the children of the poor, can see clearly enough that they are endeavouring to make the best of a necessity—that, having a more or less defined consciousness that educational progress is inevitable, they wish to educate the people in allegiance to the Church.

Still more manifest becomes this obstructive tendency on considering that the very organizations devised for the spread

ing of knowledge, may themselves act as suppressors of it. Thus it is said that Oxford was one of the last places in which the Newtonian philosophy was acknowledged. We read again, in the life of Locke, that "there was a meeting of the heads of houses at Oxford, where it was proposed to censure and discourage the reading of this essay (On the Human Understanding); and, after various debates, it was concluded that without any public censure each head of a house shall endeavour to prevent its being read in his own college." At Eton, too, in Shelley's time, "Chemistry was a forbidden thing," even to the banishment of chemical treatises. So uniformly has it been the habit of these endowed institutions to close the door against innovations, that they are among the last places to which any one looks for improvements in the art of teaching, or a better choice of subjects to be taught. The attitude of the universities towards concrete science has been that of contemptuous non-recognition. College authorities have long resisted, either actively or passively, the making of physiology, chemistry, geology, &c., subjects of examination; and only of late, under pressure from without, and under the fear of being supplanted by rival institutions, have new studies been reluctantly taken to in small measure.

Now although *inertia* may be very useful in its place—although the resistance of office-holders has its function—although we must not quarrel with this instinct of self-preservation which gives to institutions their vitality, because it also upholds them through a lingering decrepitude; we may yet wisely refuse to increase its natural effect. It is necessary to have in our social economy a conservative force as well as a reforming one, that there may be progress for the *resultant;* but it is impolitic to afford the one an artificial advantage over the other. To establish a State-education is to do this, however. The teaching organization itself, and the Government which directs it, will inevitably lean to things as they are; and to give them control over the na-

tional mind, is to give them the means of repressing aspirations after things as they should be.

Did the reader ever watch a boy in the first heat of a gardening fit? The sight is amusing, and not uninstructive. Probably a slice of a border—some couple of square yards or so—has been made over to him for his exclusive use. No small accession of dignity, and not a little pride of proprietorship, does he exhibit. So long as the enthusiasm lasts, he never tires of contemplating his territory; and every companion, and every visitor with whom the liberty can be taken, is pretty sure to be met with the request—"Come and see my garden." Note chiefly, however, with what anxiety the growth of a few scrubby plants is regarded. Three or four times a day will the little urchin rush out to look at them. How provokingly slow their progress seems to him. Each morning on getting up he hopes to find some marked change; and lo, everything appears just as it did the day before. When *will* the blossoms come out! For nearly a week has some forward bud been promising him the triumph of a first flower, and still it remains closed. Surely there must be something wrong! Perhaps the leaves have stuck fast. Ah! that is the reason, no doubt. And so ten to one you will some day catch our young florist busily engaged in pulling open the calyx, and, it may be, trying to unfold a few of the petals.

Somewhat like this childish impatience is the feeling exhibited by not a few State-educationists. Both they and their type show a lack of faith in natural forces—almost an ignorance that there are such forces. In both there is the same dissatisfaction with the normal rate of progress. And by both, artificial means are used to remedy what are conceived to be Nature's failures. Within these few years men have been awakened to the importance of instructing the people. That to which they were awhile since indifferent, or even hostile, has suddenly become an object of enthusiasm.

With all the ardour of recent converts—with all a novice's inordinate expectations—with all the eagerness of a lately-aroused desire—do they await the hoped-for result; and are dissatisfied because the progress from general ignorance to universal culture has not been achieved in a generation. One would have thought it sufficiently clear to everybody that the great changes taking place in this world of ours are uniformly slow. Continents are upheaved at the rate of a foot or two in a century. The deposition of a delta is the work of tens of thousands of years. The transformation of barren rock into life-supporting soil takes countless ages. If any think society advances under a different law, let them read. Did it not require nearly the whole Christian era to abolish slavery and serfdom in Europe? Did not a hundred generations live and die while picture-writing grew into printing? Have not science and commerce and mechanical skill increased at a similarly tardy pace? Yet are men disappointed that a pitiful fifty years has not sufficed for popular enlightenment! Although within this period an advance has been made far beyond what the calm thinker would have expected—far beyond what the past rate of progress in human affairs seemed to prophesy; yet do these impatient people condemn the voluntary system as a failure! A natural process—a process of self-unfolding which the national mind had commenced, is pooh-poohed because it has not wrought a transformation in the course of what constitutes but a day in the life of humanity! And then, to make up for Nature's incompetence, the unfolding must be hastened by legislative fingerings!

There is, indeed, one excuse for attempts to spread education by artificial means, namely, the anxiety to diminish crime, of which education is supposed to be a preventive. "We hold," says Mr. Macaulay, "that whoever has the right to hang has the right to educate." * And in a letter relative

* Quoted from a speech at Edinburgh.

to the Manchester district-system, Miss Martineau writes—"Nor can I see that political economy objects to the general rating for educational purposes. As a mere police-tax this rating would be a very cheap affair. It would cost us much less than we now pay for juvenile depravity."

Now, the truth of these assumptions may be disputed. We have no evidence that education, as commonly understood, is a preventive of crime. Those perpetually re-iterated newspaper paragraphs, in which the ratios of instructed to uninstructed convicts are so triumphantly stated, prove just nothing. Before any inference can be drawn, it must be shown that these instructed and uninstructed convicts, come from two *equal* sections of society, alike *in all other respects* but that of knowledge—similar in rank and occupation, having similar advantages, labouring under similar temptations. But this is not only not the truth; it is nothing like the truth. The many ignorant criminals belong to a most unfavourably circumstanced class; while the few educated ones are from a class comparatively favoured. As things stand it would be equally logical to infer that crime arises from living in badly-ventilated rooms, or from wearing dirty shirts; for were the inmates of a gaol to be catechised, it would be found that the majority of them had been placed in these conditions. Ignorance and crime are not cause and effect; they are concomitant results of the same cause. To be wholly untaught is to have moved among those whose incentives to wrong-doing are strongest; to be partially taught is to have been one of a class subject to less urgent temptations; to be well taught is to have lived almost beyond the reach of the usual motives for transgression. Ignorance, therefore (at least in the statistics referred to), simply indicates the presence of crime-producing influences, and can no more be called the cause of crime than the falling of a barometer can be called the cause of rain.

So far, indeed, from proving that morality is increased by education, the facts prove, if anything, the reverse. Thus

we are told, in a report by the Rev. Joseph Kingsmill, head chaplain of Pentonville Prison, that the proportion borne by the educated to the uneducated convicts is fully as high as that which exists between the educated and the uneducated classes in the general population; although, as just explained, we might reasonably expect that, having had fewer temptations, the educated convicts would bear a smaller ratio to their class. Again, it has been shown from Government returns—"That the number of juvenile offenders in the Metropolis has been steadily increasing every year since the institution of the Ragged School Union; and that whereas the number of criminals who *cannot* read and write has *decreased* from 24,856 (in 1844) to 22,968 (in 1848)—or no less than 1888 in that period—the number of those who *can* read and write imperfectly has *increased* from 33,337 to 36,229—or 2892—in the same time."—*Morning Chronicle*, April 25, 1850. Another contributor to the series of articles on "Labour and the Poor," from which the above statement is quoted, remarks that "the mining population (in the North) are exceedingly low in point of education and intelligence; and yet they contradict the theories generally entertained upon the connexion of ignorance with crime, by presenting the least criminal section of the population of England."—*Morning Chronicle*, Dec. 27, 1849. And, speaking of the women employed in the iron-works and collieries throughout South Wales, he says—"their ignorance is absolutely awful; yet the returns show in them a singular immunity from crime."—*Morning Chronicle*, March 21, 1850.

If these testimonies are thought insufficient, they may be enforced by that of Mr. Fletcher, who has entered more elaborately into this question than perhaps any other writer of the day. Summing up the results of his investigations, he says:—

"1. In comparing the gross commitments for criminal offences with the proportion of instruction in each district, there is found to be a small balance *in favour* of the most

instructed districts in the years of most industrial depression (1842–3–4), but a greater one *against* them in the years of less industrial depression (1845–6–7); while in comparing the more with the less instructed portions of each district, the final result is against the former at both periods, though fourfold at the latter what it is at the former.

"2. No correction for the ages of the population in different districts, to meet the excess of criminals at certain younger periods of life, will change the character of this superficial evidence against instruction; every legitimate allowance of the kind having already been made in arriving at these results.

"3. Down to this period, therefore, the comparison of the criminal and educational returns of this, any more than of any other country of Europe, has afforded no sound statistical evidence in favour, and as little against, the moral effects associated with instruction, as actually disseminated among the people." *

The fact is, that scarcely any connexion exists between morality and the discipline of ordinary teaching. Mere culture of the intellect (and education as usually conducted amounts to little more) is hardly at all operative upon conduct. Creeds pasted upon the mind, good principles learnt by rote, lessons in right and wrong, will not eradicate vicious propensities; though people, in spite of their experience as parents and as citizens, persist in hoping they will. Intellect is not a power but an instrument—not a thing which itself moves and works, but a thing which is moved and worked by forces behind it. To say that men are ruled by reason, is as irrational as to say that men are ruled by their eyes. Reason *is* an eye—the eye through which the desires see their way to gratification. And educating it only makes it a better eye—gives it a vision more accurate and more comprehensive—

* *Summary of the Moral Statistics of England and Wales*, 1849. By Joseph Fletcher, Esq., Barrister-at-Law, one of Her Majesty's Inspectors of Schools.

does not at all alter the desires subserved by it. However far-seeing you make it, the passions will still determine the directions in which it shall be turned—the objects on which it shall dwell. Just those ends which the instincts or sentiments propose, will the intellect be employed to accomplish: culture of it having done nothing but increase the ability to accomplish them. Probably some will urge that enlightening men enables them to discern the penalties which naturally attach to wrong-doing; and in a certain sense this is true. But it is only superficially true. Though they may learn that the grosser crimes commonly bring retribution in one shape or other, they will not learn that the subtler ones do. Their sins will merely be made more Machiavellian. If, as Coleridge says, "a knave is a fool with a circumbendibus," then, by instructing the knave, you do but make the circumbendibus a wider one. Did much knowledge and piercing intelligence suffice to make men good, then Bacon should have been honest, and Napoleon should have been just. Where the character is defective, intellect, no matter how high, fails to regulate rightly, because predominant desires falsify its estimates. Nay, even a distinct foresight of evil consequences will not restrain when strong passions are at work. How else does it happen that men will get drunk, though they *know* drunkenness will entail on them suffering and disgrace, and (as with the poor) even starvation? How else is it that medical students, who *know* the diseases brought on by dissolute living better than other young men, are just as reckless, and even more reckless? How else is it that the London thief, who has been at the treadmill a dozen times, will steal again as soon as he is at liberty?

It is, indeed, strange that with the facts of daily life before them in the street, in the counting-house, and in the family, thinking men should still expect education to cure crime. If armies of teachers, regarded with a certain superstitious reverence, have been unable to purify society in all these eighteen centuries, it is hardly likely that other armies

of teachers, not so regarded, will be able to do it. If natural persuasion, backed by supernatural authority, will not induce men to do as they would be done by, it is hardly likely that natural persuasion alone will induce them. If hopes of eternal happiness and terrors of eternal damnation fail to make human beings virtuous, it is hardly likely that the commendations and reproofs of the schoolmaster will succeed.

There is, in fact, a quite sufficient reason for failure—no less a reason than the impossibility of the task. The expectation that crime may presently be cured, whether by State-education, or the silent system, or the separate system, or any other system, is one of those Utopianisms fallen into by people who pride themselves on being practical. Crime is incurable, save by that gradual process of adaptation to the social state which humanity is undergoing. Crime is the continual breaking out of the old unadapted nature—the index of a character unfitted to its conditions; and only as fast as the unfitness diminishes can crime diminish. Reforming men's conduct without reforming their natures is impossible; and to expect that their natures may be reformed, otherwise than by the forces which are slowly civilizing us, is visionary. Schemes of discipline or culture are of use only in proportion as they organically alter the national character, and the extent to which they do this is by no means great. It is not by humanly-devised agencies, good as these may be in their way, but it is by the never-ceasing action of circumstances upon men—by the constant pressure of their new conditions upon them—that the required change is mainly affected.

Meanwhile it may be remarked, that whatever moral benefit *can* be effected by education, must be effected by an education which is emotional rather than intellectual. If, in place of making a child *understand* that this thing is right and the other wrong, you make it *feel* that they are so—if you make virtue *loved* and vice *loathed*—if you arouse a noble *desire*, and make torpid an inferior one—if you bring

into life a previously dormant *sentiment*—if you cause a sympathetic *impulse* to get the better of one that is selfish—if, in short, you produce a state of mind to which proper behaviour is *natural*, *spontaneous*, *instinctive*, you do some good. But no drilling in catechisms, no teaching of moral codes, can effect this. Only by repeatedly awakening the appropriate *emotions* can character be changed. Mere ideas received by the intellect, meeting no response from within, are quite inoperative upon conduct, and are quickly forgotten after entering into life.

Perhaps it will be said that a discipline like this now described as the only efficient one, might be undertaken by the State. No doubt it might. But from all legislative attempts at emotional education may Heaven defend us!

Yet another objection remains. If, before agitating the matter, men had taken the precaution to define education, they would probably have seen that the State can afford no true help in the matter.

Of all qualities which is the one men most need? What is the quality in which the improvident masses are so deficient? Self-restraint—the ability to sacrifice a small present gratification for a prospective great one. A labourer endowed with due self-restraint would never spend his Saturday-night's wages at the public-house. Had he enough self-restraint, the artizan would not live up to his income during prosperous times and leave the future unprovided for. More self-restraint would prevent imprudent marriages and the growth of a pauper population. And were there no drunkenness, no extravagance, no reckless multiplication, social miseries would be trivial.

How is the power of self-restraint to be increased? By a sharp experience alone can anything be done. Those in whom this faculty needs drawing out—*educating*—must be left to the discipline of Nature, and allowed to bear the pains attendant on their defect of character. The only cure

for imprudence is the suffering which imprudence entails. Nothing but bringing him face to face with stern necessity, and letting him feel how unbending, how unpitying, it is, can improve the man of ill-governed desires. All interposing between humanity and the conditions of its existence—cushioning-off consequences by poor-laws or the like—serves but to neutralize the remedy and prolong the evil. Let us never forget that the law is—adaptation to circumstances, be they what they may. And if, rather than allow men to come in contact with the real circumstances of their position, we place them in factitious circumstances, they will adapt themselves to these instead; and will, in the end, have to undergo the miseries of a re-adaptation to the real ones.

Now of all incentives to self-restraint, perhaps none is so strong as the sense of parental responsibility. And if so, to diminish that sense is to use the most effectual means of preventing self-restraint from being developed. We have ample proof of this in the encouragement of improvident marriages by a poor-law; and the effect which a poor-law produces, by relieving men from the responsibility of maintaining their children, must be produced in a smaller degree by taking away the responsibility of educating their children. The more the State undertakes to do for his family, the more are the expenses of the married man reduced, at the cost of the unmarried man, and the greater becomes the temptation to marry. Let not any think that the offer of apparently gratuitous instruction for his offspring would be of no weight with the working man deliberating on the propriety of taking a wife. Whoever has watched the freaks which strong passion plays in the councils of the intellect—has marked how it will bully into silence the weaker feelings that oppose it—how it will treat slightingly the most conclusive adverse evidence, while, in urging the goodness of its own cause, "trifles light as air are confirmations strong"—whoever has marked this, cannot doubt that, in the deliberations of such

an one, the prospect of free training for children would in no small degree affect the decision. Nay, indeed, it would afford a positive reason for giving way to his desires. Just as a man at an expensive dinner will eat more than he knows is good for him, on the principle of having his money's worth, so would the artizan find one excuse for marrying in the fact that, unless he did so, he would be paying education-rates for nothing.

Nor is it only thus that a State-education would encourage men to obey present impulses. An influence unfavourable to the increase of self-control would be exercised by it throughout the whole of parental life. That restraint which the desire to give children schooling now imposes on the improvident tendencies of the poor, would be removed. Many a man who, as things are, can but just keep the mastery over some vicious or extravagant propensity, and whose most efficient curb is the thought that if he gives way it must be at the sacrifice of that book-learning which he is anxious to give his family, would fall were this curb weakened—would not only cease to improve in power of self-control as he is now doing, but would retrograde, and bequeath his offspring to a lower instead of a higher state of life.

Hence, a Government can educate in one direction only by *un*educating in another—can confer knowledge only at the expense of character. It retards the development of an all-important quality, universally needed, that it may give a smattering of information.

What a contrast is there between these futile contrivances of men and the silent-working agencies of Nature! With a perfect economy, Nature turns all forces to account. She makes action and re-action alike useful. This strong affection for progeny becomes in her hands the agent of a double culture, serving at once to fashion parent and child into the needful form. Yet this powerful instrumentality statesmen propose to dislocate: confidently opining

that their own patent apparatus will answer a great deal better!

[NOTE.—Shortly after the publication of *Social Statics* Mr. Samuel Morley, the well-known philanthropist, requested me to let him reprint the foregoing chapter in the form of a pamphlet for distribution. I willingly assented. When, after a short time, a second edition of the pamphlet was called for, I took the opportunity of adding some further arguments, which I here append.]

The majority of those who vehemently object to a State-religion are disabled from seeing that their favourite measure, State-education, is objectionable on similar grounds.

To the argument that, as all truths, whether religious or secular, form parts of one consistent whole, it seems strange that the State should be held incompetent to communicate certain of them, but competent to communicate others, the reply is that, concerning the one order of truths there is extensive disagreement, whereas concerning the other there is universal agreement. It is urged that while men are at issue upon every point of religious doctrine, they are unanimous upon the alphabet, upon spelling, upon the rules of arithmetic, upon grammar, upon geography, and so forth; and it is argued that, as the injustice attendant on State-preaching consists in the fact that all men do not subscribe to the creed preached, it follows that, as there is no difference of opinion respecting secular knowledge, there is no injustice in the State-propagation of it, and that, therefore, the analogy does not hold.

The position is doubtless a plausible one. It must be conceded, that the distinction drawn between the *beliefs* dealt out from the pulpit, and the *truths* communicated over the schoolmaster's desk, is in the main valid. But this admission by no means implies an abandonment of the point con-

tended for. Perhaps a parallel will best indicate the right point of view.

"You see these stones, this wood, these slates, and this lime?" "Yes." "You admit that these are the materials of which houses are to be made?" "I do." "Then, of course, there can be no disagreement between us on the subject of building?" "I beg your pardon; we may disagree as to the size of the house, as to its plan, as to the proportions in which the materials shall be used, as to the dressing of them, as to the process of building, and as to endless matters of detail."

Such, by analogy, is the argument of the State-educationist; and such is the reply to which they are open. Pointing to a heap of school books, they ask whether you admit the facts contained in them. They follow up your assent with the further question, whether these are not the facts out of which knowledge is to be organized. And, on your affirmative answer, they straightway base the conclusion that education is a subject respecting which there can be no dissent! They forget that to agree about the raw materials involves no agreement as to the manipulation of them.

That anything like an agreement as to the right way of conducting education is possible in our existing state, few, if any, will pretend. On the choice of subjects to be taught, on the order in which they should be taught, on the manner in which they should be taught, on the moral discipline that should accompany the teaching, on every step that can be taken, from the treatment of our infants up to a college examination, conflicting opinions exist. How strong and how well grounded are these contradictions of belief, we shall best perceive by glancing at a few of the specific objections to be raised.

"Gentlemen," may say some thoughtful citizen, "your synopsis of instruction contains much that I think comparatively valueless, and entirely leaves out subjects which seem to me of more importance than nearly all others. History

occupies a prominent position in your list; but I see no mention of Physiology. Now, as my children will have but a few years' schooling, I deny the propriety of occupying their time in learning all about people who lived ages ago (a knowledge which will be of no daily benefit), when the time might otherwise be occupied in learning how their own bodies are made, and how they should be treated. No man's life was ever saved by knowing when the battle of Agincourt was fought, or how many wives Henry VIII. had; but every day, thousands go to their deaths from unwittingly sinning against the laws of their constitutions. You think him grossly ignorant who cannot say whether it was Charles I. or Charles II. who was beheaded. I tell you that, judged by any rational standard, he is much more grossly ignorant who knows nothing about the nature and functions of the frame he lives in. What *you* call ignorance is harmless; what *I* call ignorance is often fatal. No, no; with such an absurd selection of subjects you shall educate no son of mine."

"It seems to me," objects another, "that your system is utterly unphilosophical in arrangement. Following the old precedent, you propose to begin with the alphabet; and, passing on from reading to writing and arithmetic, take the other subjects in turn. Yet this course, which you think so reasonable, I believe to be radically vicious. To me it is quite clear that the mind, like the body, has a natural order in which its faculties unfold; and that we must inquire what that order is, and conform to it. You would think him a foolish parent who tried to make his child's limbs and viscera develop in some particular succession which he fancied the best. You would tell him that if he but afforded the nourishment and exercise Nature craved, she would do the rest much better than he could. Nevertheless, this empirical scheme of culture in which, for aught I see, you have not at all consulted Nature, involves a similar folly; and what you would say in the analogous case, I now say to you; namely,

that the true function of the teacher is to observe the order of evolution of the faculties, and constantly to supply that kind of knowledge which the mind shows itself fit to assimilate. A partial recognition of this truth is shown in the modern practice of beginning education with the discipline of the perceptions; and it will presently be seen that the same truth applies throughout. Now as your scheme ignores all this, and as I do not choose that my children should be stinted of facts for which their intellects hunger, while they are made to take in facts which their intellects cannot properly digest, I must decline the tuition you offer."

"This learning by rote is a barbarism," a third exclaims. "So far from strengthening the memory, I hold that it weakens it. A good memory is one which retains an idea after a single impression; a bad memory is one which cannot retain an idea until after many repetitions of the impression. Now, from the universal law that faculties can become strong only by exercise, and will become weak when not exercised, it follows that the memory must be strengthened by inducing a constant effort to remember facts, words, or expressions, after once hearing or reading them; while, on the other hand, it follows that the memory must be weakened by rendering this effort needless. Your system of learning by rote *does* render it needless. With his lesson-book lying before him, and with the consciousness that he can refer to it as often as he likes, the schoolboy has no incentive to concentrate his attention. He allows his mind to wander off into every train of ideas that suggests itself; knowing that he can come back to his task when he pleases. This habit grows upon him: he frequently almost loses the ability to control his erratic thoughts; and finally falls into the practice of repeating the words he is learning in a semi-conscious way —half thinking of them, and half of something else. Thus, the power of mental concentration being comparatively unnecessary, diminishes. Hence the impressions received become less vivid; that is, the memory becomes weaker. I

cannot, therefore, avail myself of a course of culture which, like yours, is vitiated by so bad a method."

"To my mind," remarks a fourth, "your discipline seems faulty. I disapprove of managing children by rewards and punishments. In common with many others, I think that the love of praise is a sentiment already too strong in nearly all men; and hence I object to a treatment which, by often gratifying it, must make it still stronger. Equally to be deprecated are your modes of correction. Apparent perversities, both moral and intellectual, are in many cases more due to the teacher than the pupil: resulting, as they usually do, either from a non-adaptation of the subject to the age, or from a bad method. And when the pupil really is to blame, I hold that your harsh measures are nearly always detrimental. If lack of ability is the defect, a little sympathy and a few words of encouragement will do more than frowns and abuse; and in cases of misbehaviour, a grave rebuke, kindly given by a master who makes himself the friend of his scholars, will succeed better than the blows of one who is regarded with enmity. Thinking thus, as I do, you must see that your system is quite unacceptable."

"I unite in all the objections," adds a fifth, "and entertain others of my own. With me, resistance is a point of conscience. These children of mine I regard as beings with whose welfare, bodily and mental, I stand charged; and I conceive that I am acting unconscientiously if I allow them to be treated in a manner which I believe hurtful. Now to me your scheme of education seems, in many respects, essentially vicious. Would it not, then, be a gross breach of duty in me to put my children under your care? I pity you, if you say no. And if it *would* be a breach of duty, what am I to do but resist? Am I to pay your education-rates and get nothing in return? Perhaps you will answer, yes. I must tell you, however, that my conscience will no more permit me to do this than it will permit me to use your schools. Not only should I be aiding you to mis-educate

my neighbour's children, which my desire for human welfare forbids, but I should be submitting to an injustice which I feel bound to oppose. Would you not consider it a duty to resist those who tried to enslave you? Knowing how destructive of happiness slavery is, would you not look on yourself as a traitor to humanity did you passively allow its establishment in your person? Of course you would. Well, on like grounds I must withstand this encroachment on my liberties. Believing, as I do, that it is for the well-being of mankind that the freedom of each should be unlimited save by the equal freedoms of all, I cannot conscientiously acquiesce in your aggressions. I tell you, therefore, that I will *not* put my children under your management. I tell you that I will *not*, at your dictation, pay towards other men's school-bills. And further, I tell you, that if you *will* have my property, you shall rob me of it; as the Church does."

Now, whatever he may think of these several grounds for nonconformity, the last of which has already been practically assumed in America, the advocate of State-education must admit that they are quite possible ones. He must admit, too, that such differences of opinion on juvenile culture have been increasing, and will probably continue to increase. He must admit that as, when men began to discuss theological questions, the original unity of belief gave place to divisions which have augmented with growing rapidity; so, now that education has become a subject of thought, the past uniformity of practice has been superseded by a variety of methods which promise to multiply still further. He must admit that, until psychology, of which we yet know but little, has been reduced to scientific ordination, and is universally understood, no general agreement as to the right conduct of education can become possible. He must further admit that the daily increase of enlightenment, by making men more alive to the importance of mental training, will render them more averse to putting their children under a questionable discipline. And, lastly, he must admit that,

conspiring with this, the continued growth of that sense of personal rights which distinguishes modern civilization, will in course of time produce a determined dissent.

Hence, its advocates cannot but confess that State-education is unjust. By seeking to draw a distinction between it and State-religion, they tacitly admit that, were there no distinction, State-education would be inadmissible. We have found that the assumed distinction does not hold good. Though, as regards belief in the things taught, the alleged want of parallelism exists, yet, as to modes of teaching, the same nonconformity is common to both. And if disapproval of its organization or government, its ceremonial, forms or discipline, is allowed to be valid ground for dissent from a State-religion, it must be allowed that an analogous disapproval of its routine, methods, or course of culture, is valid ground for dissent from a State-education—an admission which can leave it no consistent supporters save churchmen.

The members of the Public School Association, and their rivals, the supporters of Mr. Richson's scheme, exhibit an energy and munificence much to be admired. Donations from £500 downwards testify to no small zeal for popular enlightenment. They who devote valuable time to the writing of tracts, newspaper letters, and leading articles must have a strong interest in the success of their projects. Tired men of business, who give up their leisure to attend committees, show a praiseworthy spirit of self-sacrifice. The getting up of public meetings, the preparation and delivery of lectures and speeches, the devising of Acts of Parliament, the obtaining signatures to petitions, the forming of local organizations, and the many other kinds of labour which these gentlemen undertake in the carrying on of their extensive agitation, prove how great a desire they have for the spread of knowledge. There is no law compelling them to act thus. No tax-gatherer comes round for their subscriptions, saying,—"Your money or your goods."

No penalty attaches to non-attendance at committees and meetings; nor are the onerous offices many of them fill undertaken because refusal would entail a fine. All that they do they do willingly. Moreover, they expect to generate in the mass of the community a similar disinterested zeal. They issue books and pamphlets, deliver lectures and speeches, with a view to make men join and help them. And by persevering in this course—by raising more subscriptions, acquiring more members, having more meetings, circulating more reports, issuing more tracts, getting-up more petitions, and so, gradually increasing the number of those who will devote time or money to the cause, they hope ultimately to create a public opinion strong enough to embody their project in law.

Bearing in mind which facts, let these gentlemen, when next they estimate the efficiency of voluntaryism, include in their estimate what *they* have done and hope to do. Let them remember that the agency by which they expect to rouse the indifferent, unite the jealous, persuade the adverse —in short, to *educate* the people into their views—is the agency which they think so ridiculously inadequate to educate the people's children. To determine what this agency can do, they must assume legislative aid to be out of the question, and then add all their own energy to the energy of their opponents. That this energy is of the same nature in both, they cannot deny. Zeal for popular enlightenment is the motive force in each case; in each case this zeal produces active efforts; and though different means are chosen, yet these efforts are directed to the same end. Clearly, therefore, to judge how far knowledge may be diffused without State-aid, all the energy now directed, and to be hereafter directed, to the obtaining of State-aid, must be added to the energy expended in our present teaching organizations.

If the State-educationists are startled at being thus classed as practical though unconscious voluntaries, they will be yet more startled on finding how much they expect voluntaryism

to achieve. They wish to have, throughout the kingdom, a system of schools under local control, but supported by compulsory rates. This system they seek to establish by law. So to establish it they are carrying on an active agitation, in the hope of, by-and-bye, inducing a majority of the people to think with them. And when the majority demands it, their project is to receive legislative realization. To what state of feeling, then, do they hope to bring the majority? They hope so to interest them on behalf of this plan, so to impress them with the importance of education, so to rouse their sympathy for the uncultured and their pity for the depraved, that they may say to the Government—"Let us be taxed that there may be enough schools and teachers." This is what the advocates of State-education hope by their voluntary efforts to make the majority say: no small feat, too, if they succeed in it. But now let them just ask themselves whether it is not possible that the same persevering persuasion which shall make the majority say,—"Let us be taxed that there may be enough schools and teachers," might as readily make them say,—"Let us provide schools and teachers ourselves." If the majority may be made so anxious for the spread of enlightenment as to wish the State to put its hands in their pockets, may not a little more persuasion make them put their own hands in their pockets?

GOVERNMENT COLONIZATION.

A COLONY being a community, to ask whether it is right for the State to found and govern colonies, is practically to ask whether it is right for one community to found and govern other communities. And this question not being one in which the relationships of a society to its own authorities are alone involved, but being one into which there enter the interests of men external to such society, is in some measure removed out of the class of questions hitherto considered. Nevertheless, our directing principle affords satisfactory guidance in this case as well as in others.

That a Government cannot undertake to administer the affairs of a colony, and to support for it a judicial staff, a constabulary, a garrison, and so forth, without trespassing against the parent society, scarcely needs pointing out. Any expenditure for these purposes, be it like our own some three and a half millions sterling a year, or but a few thousands, involves a breach of State-duty. The taking from men property beyond what is needful for the better securing of their rights, we have seen to be an infringement of their rights. Colonial expenditure cannot be met without property being so taken. Colonial expenditure is therefore unjustifiable.

An objector might indeed allege that, by maintaining in a settlement a subordinate legislature, the parent legislature does but discharge towards the settlers its original office of protector; and that the settlers have a claim to protection at its hands. But the duty of a society towards itself, that is,

of a Government towards its subjects, will not permit the assumption of such a responsibility. For, as it is the function of a Government to administer the law of equal freedom, it cannot, without reversing its function, tax one portion of its subjects at a higher rate than is needful to protect them, that it may give protection to another portion below prime cost; and to guard those who emigrate, at the expense of those who remain, is to do this.

In one way, however, legislative union between a parent State and its colonies may be maintained without breach of the law; namely, by making them integral parts of one empire, severally represented in a united assembly commissioned to govern the whole. But, theoretically just as such an arrangement may be, it is too palpably impolitic for serious consideration. To propose that, while the English joined in legislating for the people of Australia, of the Cape, of New Zealand, of Canada, of Jamaica, and of the rest, these should in turn legislate for the English and for each other, is much like proposing that the butcher should superintend the classification of the draper's goods, the draper draw up a tariff of prices for the grocer, and the grocer instruct the baker in making bread.

It was exceedingly cool of Pope Alexander VI. to parcel out the unknown countries of the Earth between the Spaniards and Portuguese, granting to Spain all discovered and undiscovered heathen lands lying West of a certain meridian drawn through the Atlantic, and to Portugal those lying East of it. Queen Elizabeth, too, was somewhat cool when she empowered Sir Humphrey Gilbert "to discover and take possession of remote and heathen countries," and "to exercise rights, royalties, and jurisdiction, in such countries and seas adjoining." Nor did Charles II. show less coolness, when he gave to Winthrop, Mason, and others, power to "kill, slay, and destroy, by all fitting ways, enterprises, and means whatsoever, all and every such person or

persons as shall at any time hereafter attempt or enterprise the destruction, invasion, detriment, or annoyance of the inhabitants," of the proposed plantation of Connecticut. Indeed, all colonizing expeditions down to those of our own day, with its American annexations, its French occupations of Algiers and Tahiti, and its British conquests of Scinde and of the Punjaub, have borne a repulsive likeness to the doings of buccaneers. As usual, however, these unscrupulous acts have brought deserved retribution. Insatiate greediness has generated very erroneous beliefs, and betrayed nations into most disastrous deeds. "Men are rich in proportion to their acres," argued politicians. "An increase of estate is manifestly equivalent to an increase of wealth. What, then, can be clearer than that the acquirement of new territory must be a national advantage?" So, misled by the analogy, and spurred on by acquisitiveness, we have continued to seize province after province, in utter disregard of the losses entailed by them. In fact, it has been inconceivable that they do entail losses; and though doubt is beginning to dawn upon the public mind, the instinctive desire to keep hold is too strong to permit a change of policy. Our predicament is like that of the monkey in the fable, who, putting his hand into a jar of fruit, grasps so large a quantity that he cannot get his hand out again, and is obliged to drag the jar about with him, never thinking to let go what he has seized. When we shall attain to something more than the ape's wisdom remains to be seen.

While the mere propensity to thieve, commonly known under some grandiloquent alias, has been the real prompter of colonizing invasions, from those of Cortez and Pizarro downwards, the ostensible purpose of them has been either the spread of religion or the extension of commerce. In modern days the latter excuse has been the favourite one. To obtain more markets—this is what people have said aloud to each other, was the object aimed at. And, though second

to the widening of empire, it has been to the compassing of this object that colonial legislation has been mainly directed. Let us consider the worth of such legislation.

Those holy men of whom the middle ages were so prolific, seem to have delighted in exhibiting their supernatural powers on the most trifling occasions. It was a common feat with them, when engaged in church-building, magically to lengthen a beam which the carpenter had made too short. Some were in the constant habit of calling down fire from heaven to light their candles. When at a loss where to deposit his habiliments, St. Goar, of Treves, would transform a sunbeam into a hat-peg. And it is related of St. Columbanus that he wrought a miracle to keep the grubs from his cabbages. Now, although these examples of the use of vast means for the accomplishment of insignificant ends, are not quite paralleled by the exertions of Governments to secure colonial trade, the absurdity attaching to both differs only in degree. An expenditure of power ridiculously disproportionate to the occasion is their common characteristic. In the one case, as in the other, an unnatural agency is employed to effect what a natural agency would effect as well. Trade is a simple enough thing that will grow up wherever there is room for it. But, according to statesmen, it must be created by a gigantic and costly machinery. That trade only is advantageous to a country which brings in return for what is directly and indirectly given, a greater worth of commodities than could otherwise be obtained. But statesmen recognize no such limit to its benefits. Every new outlet for English goods, kept open at no matter what cost, they think valuable. Here is some scrubby little island, or wild territory—unhealthy, or barren, or inclement, or uninhabited even—which by right of discovery, conquest, or diplomatic manœuvring, may be laid hands on. Possession is forthwith taken; a high-salaried governor is appointed; officials collect round him; then follow forts, garrisons, guardships. From these by-and-bye come quarrels with neighbouring peoples, incur-

sions, war; and these again call for more defensive works, more force, more money. And to all protests against this reckless expenditure, the reply is—"Consider how it extends our commerce." If you grumble at the sinking of £800,000 in fortifying Gibraltar and Malta, at the outlay of £130,000 a year for the defence of the Ionian Islands, at the maintenance of 1200 soldiers in such a good-for-nothing place as the Bermudas, at the garrisoning of St. Helena, Hong Kong, Heligoland, and the rest, you are told that all this is needful for the protection of our commerce. If you object to the expenditure of £110,000 per annum on the Government of Ceylon, it is thought a sufficient answer that Ceylon buys manufactures from us to the gross value of £240,000 yearly. Any criticisms you may pass upon the policy of retaining Canada, at an annual cost of £800,000, are met by the fact that this amounts to only 30 per cent. upon the sum which the Canadians spend on our goods.* Should you, under the fear that the East India Company's debt may some day be saddled upon the people of England, lament the outlay of £17,000,000 over the Afghan war, the sinking of £1,000,000 a year in Scinde, and the swallowing up of untold treasure in the subjugation of the Punjaub, there still comes the everlasting excuse of more trade. A Bornean jungle, the deserts of Kaffraria, and the desolate hills of the Falkland Islands, are all occupied upon this plea. The most profuse expenditure is forgiven, if but followed by an insignificant demand for merchandise: even though such demand be but for the supply of a garrison's necessities—glass for barrack windows, starch for officer's shirts, and lump-sugar for the governor's table: all of which you shall find carefully included in Board of Trade Tables, and rejoiced over as constituting an increase in our exports!

But not only do we expend so much to gain so little, we

* For these and other such facts, see Sir W. Molesworth's speeches delivered during the sessions of 1848 and 1849.

absolutely expend it for nothing: nay, indeed, in some cases to achieve a loss. All profitable trade with colonies will come without the outlay of a penny for colonial administration—must flow to us naturally; and whatever trade will not flow to us naturally, is not profitable, but the reverse. If a given settlement deals solely with us, it does so from one of two causes: either we make the articles its inhabitants consume at a lower rate than any other nation, or we oblige its inhabitants to buy those articles from us, though they might obtain them for less elsewhere. Manifestly, if we can undersell other producers, we should still exclusively supply its markets were the settlement independent. If we cannot undersell them, it is equally certain that we are indirectly injuring ourselves and the settlers too; for, as M'Culloch says:—"Each country has some natural or acquired capabilities that enable her to carry on certain branches of industry more advantageously than any one else. But the fact of a country being undersold in the markets of her colonies, shows conclusively that, instead of having any superiority, she labours under a disadvantage, as compared with others, in the production of the peculiar articles in demand in them. And hence, in providing a forced market in the colonies for articles that we should not otherwise be able to dispose of, we really engage a portion of the capital and labour of the country in a less advantageous channel than that into which it would naturally have flowed." And if, to the injury we do ourselves by manufacturing goods which we could more economically buy, is added the injury we suffer in pacifying the colonists, by purchasing from them com modities obtainable on better terms elsewhere, we have before us the twofold loss which these much-coveted monopolies entail.

Thus are we again taught how worthy of all reverence are the injunctions of equity, and how universal is their applicability. Just that commercial intercourse with colonies which may be had without breaking these injunctions, brings gain,

while just that commercial intercourse which cannot be so had, brings loss.

Passing from home interests to colonial interests, we still meet nothing but evil results. It is a prettily sounding expression, that of mother-country protection, but a very delusive one. If we are to believe those who have known the thing rather than the name, there is but little of the maternal about it. In the Declaration of American Independence we have a candid statement of experience on this point. Speaking of the king—the personification of the parent State—the settlers say:—

"He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

"He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

"He has kept among us in times of peace standing armies, without the consent of our legislatures.

"He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his assent to their pretended acts of legislation:—

"For quartering large bodies of armed troops among us.

"For protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these states.

"For cutting off our trade with all parts of the world.

"For imposing taxes upon us without our consent.

"For depriving us in many cases of the benefits of trial by jury," &c., &c., &c.

Now, though tyrannies so atrocious as these do not commonly disgrace colonial legislation in the present day, we have but to glance over the newspapers published in our foreign possessions, to see that the arbitrary rule of the Colonial Office is no blessing. Two outbreaks in fifteen

years pretty plainly hint the feeling of the Canadas. Within the same period the Cape Boers have revolted thrice; and we have just had a tumultuous agitation and a violent paper war about convicts. In the West Indies there is universal discontent. Jamaica advices tell of stopped supplies, and State-machinery at a dead lock. Guiana sends like news. Here are quarrels about retrenchment; there, insurrectionary riots; and anger is everywhere. The name of Ceylon calls to mind the insolence of a titled governor on the one side, and on the other the bitterness of insulted colonists. In the Australian settlements, criminal immigration has been the sore subject; while from New Zealand there come protests against official despotism. All winds bring the same tale of a negligence caring for no expostulations, impertinence without end, blunderings, disputes, delays, corruption. Canadians complain of having been induced by a proffered privilege to sink their capital in flour-mills, which subsequent legislation made useless. With an ever-varying amount of protection, sugar-planters say they do not know what to be at. South Africa bears witness to a mismanagement that at one time makes enemies of the Griquas, and at another entails a Kaffir war. The emigrants of New Zealand lament over a seat of government absurdly chosen, money thrown away upon useless roads, and needful works left undone. South Australia is made bankrupt by its governor's extravagance; lands are apportioned so as to barbarize the settlers by dispersion; and labourers are sent out in excess, and left to beg. Our Chinese trade gets endangered by the insulting behaviour of military officers to the natives; and the authorities of Labuan make their first settlement in a pestilential swamp.

Nevertheless, these results of mother-country protection need not surprise us, if we consider by whom the duties of maternity are discharged. Dotted here and there over the Earth, at distances varying from one thousand to fourteen thousand miles, and to and from some of which it takes three-quarters of a year to send a question and get back an answer,

are forty-six communities, consisting of different races, placed in different circumstances. And the affairs of these numerous, far-removed communities—their commercial, social, political, and religious interests, are to be cared for—by whom? By six functionaries and their twenty-three clerks, sitting at desks in Downing Street! being at the rate of 0·13 of a functionary and half a clerk to each settlement!

Great, however, as are the evils entailed by government colonization upon both parent State and settlers, they look insignificant when compared with those it inflicts on the aborigines of the conquered countries. The people of Java believe that the souls of Europeans pass at death into the bodies of tigers; and it is related of a Hispaniolan chief that he hoped not to go to heaven when he heard there would be Spaniards there. Significant facts these: darkly suggestive of many an unrecorded horror. But they hint nothing worse than history tells of. Whether we think of the extinct West-Indian tribes, who were worked to death in mines; or of the Cape Hottentots, whose masters punished them by shooting small shot into their legs; or of those nine thousand Chinese whom the Dutch massacred one morning in Batavia; or of the Arabs lately suffocated in the caves of Dahra by the French; we do but call to mind solitary samples of the treatment commonly received by subjugated races from so-called Christian nations. Should any one flatter himself that we English are guiltless of such barbarities, he may soon be shamed by a narrative of our doings in the East. The Anglo-Indians of the last century—"birds of prey and of passage," as they were styled by Burke—showed themselves only a shade less cruel than their prototypes of Peru and Mexico. Imagine how black must have been their deeds, when even the Directors of the Company admitted that "the vast fortunes acquired in the inland trade have been obtained by a scene of the most tyrannical and oppressive conduct that was ever known in any age or country." Conceive the atrocious state

of society described by Vansittart, who tells us that the English compelled the natives to buy or sell at just what rates they pleased, on pain of flogging or confinement. Judge to what a pass things must have come when, in describing a journey, Warren Hasting says, "most of the petty towns and *serais* were deserted at our approach." A cold-blooded treachery was the established policy of the authorities. Princes were betrayed into war with each other; and one of them having been helped to overcome his antagonist, was then himself dethroned for some alleged misdemeanor. Always some muddied stream was at hand as a pretext for official wolves. Dependent chiefs holding coveted lands were impoverished by exorbitant demands for tribute; and their ultimate inability to meet these demands was construed into a treasonable offence, punished by deposition. Even down to our own day kindred iniquities are continued.* Down to our own day, too, are continued the grievous salt-monopoly, and the pitiless taxation which wrings from the poor ryots nearly half the produce of the soil. Down to our own day continues the cunning despotism which uses native soldiers to maintain and extend native subjection—a despotism under which, not many years since, a regiment of sepoys was deliberately massacred for refusing to march without proper clothing, Down to our own day the police authorities league with wealthy scamps, and allow the machinery of the law to be used for purposes of extortion. Down to our own day, so-called gentlemen will ride their elephants through the crops of impoverished peasants; and will supply themselves with provisions from the native villages without paying for them. And down to our own day, it is common with the people in the interior to run into the woods at sight of a European!

No one can fail to see that these cruelties, these treacheries, these deeds of blood and rapine, for which European nations

* See Sir Alexander Burns' despatches.

in general have to blush, are mainly due to the carrying on of colonization under State-management, and with the help of State-funds and State-force. It is quite needless to point to the recent affair at Wairau in New Zealand, or to the Kaffir war, or to our perpetual aggressions in the East, or to colonial history at large, in proof of this, for the fact is self-evident. A schoolboy, made overbearing by the consciousness that there is always a big brother to take his part, typifies the colonist, who sees in his mother-country a bully ever ready to back and defend him. Unprotected emigrants, landing among a strange race, and feeling themselves the weaker party, are tolerably certain to behave well; and a community of them is likely to grow up in amicable relationship with the natives. But let these emigrants be followed by regiments of soldiers—let them have a fort built and cannons mounted—let them feel that they have the upper hand; and they will no longer be the same men. A brutality will come out which the discipline of civilized life had kept under; and not unfrequently they will prove more vicious than they even knew themselves to be. Various evil influences conspire with their own bad propensities. The military force guarding them has a strong motive to foment quarrels; for war promises prize-money. To the civil officials, conquest holds out a prospect of more berths and quicker promotion—a fact which must bias them in favour of it. Thus an aggressive tendency is encouraged in all, and betrays colonists into those atrocities that disgrace civilization.

As though to round off the argument, history gives proof that while Government-colonization is accompanied by endless miseries and abominations, colonization naturally carried on is free from these. To William Penn belongs the honour of having shown men that the kindness, justice, and truth of its inhabitants, are better safeguards to a colony than troops and fortifications and the bravery of governors. In all points Pennsylvania illustrates the equitable, as contrasted with the

inequitable, mode of colonizing. It was founded not by the State but by private individuals. It needed no mother-country protection, for it committed no breaches of the moral law. Its treaty with the Indians, described as "the only one ever concluded which was not ratified by an oath, and the only one that was never broken," served it in better stead than any garrison. For the seventy years during which the Quakers retained the chief power, it enjoyed an immunity from that border warfare, with its concomitant losses, and fears, and bloodshed, to which other settlements were subject. Contrariwise, its people maintained a friendly and mutually-beneficial intercourse with the natives; and, as a natural consequence of complete security, made unusually rapid progress in material prosperity.

That a like policy would have been similarly advantageous in other cases, may reasonably be inferred. No one can doubt, for instance, that had the East India Company been denied military aid and State-conferred privileges, both its own affairs, and the affairs of Hindostan, would have been in a far better condition than they now are. Insane longing for empire would never have burdened the Company with the enormous debt which paralyzes it. The energy perpetually expended in aggressive wars would have been employed in developing the resources of the country. And had the settlers thus turned their attention wholly to commerce, and conducted themselves peaceably, as their defenceless state would have compelled them to do, England would have been better supplied with raw materials and the markets for her goods would have enlarged.

SANITARY SUPERVISION.

THE current ideas respecting legislative interference in sanitary matters, do not seem to have taken the form of a definite theory. The Eastern Medical Association of Scotland does indeed hold "that it is the duty of the State to adopt measures for protecting the health as well as the property of its subjects;" and *The Times* lately asserted that "the Privy Council is chargeable with the health of the Empire;" * but no considerable political party has adopted either of these dogmas by way of a distinct confession of faith.

That it comes within the proper sphere of government to repress nuisances is evident. He who contaminates the atmosphere breathed by his neighbour, is infringing his neighbour's rights. Men having equal claims to the free use of the elements, and having that exercise more or less limited by whatever makes the elements more or less unusable, are obviously trespassed against by any one who unnecessarily vitiates the elements, and renders them detrimental to health, or disagreeable to the senses; and in the discharge of its function as protector, a government is called upon to afford redress to those so trespassed against.

Beyond this, however, it cannot lawfully go. As already shown in several kindred cases, for a government to take from a citizen more property than is needful for the efficient

---

* See *The Times*, Oct. 17, 1848.

defence of that citizen's rights, is to infringe his rights. And hence all taxation for sanitary superintendence coming, as it does, within this category, must be condemned.

The theory which Boards of Health and the like imply, is not only inconsistent with our definition of State-duty, but is open to strictures similar to those made in analogous cases. If, by saying "that it is the duty of the State to adopt measures for protecting the health of its subjects," it is meant (as it *is* meant by the majority of the medical profession) that the State should interpose between quacks and those who patronize them, or between the druggist and the artizan who wants a remedy for his cold—if it is meant that to guard people against empirical treatment, the State should forbid all unlicensed persons from prescribing; then the reply is, that to do so is directly to violate the moral law. Men's rights are infringed by these, as much as by all other, trade-interferences. The invalid is at liberty to buy medicine and advice from whomsoever he pleases; the unlicensed practitioner is at liberty to sell these to whosoever will buy. On no pretext can a barrier be set up between the two, without the law of equal freedom being broken; and least of all may the Government, whose office it is to uphold that law, become a transgressor of it.

Moreover this doctrine, that it is the duty of the State to protect the health of its subjects, cannot be established, for the same reason that its kindred doctrines cannot, namely, the impossibility of saying how far the alleged duty shall be carried. Health depends on the fulfilment of numerous conditions—can be "protected" only by insuring that fulfilment. If, therefore, it is the duty of the State to protect the health of its subjects, it is its duty to see that all the conditions to health are fulfilled by them. The legislature must prescribe so many meals a day for each individual; fix the quantities and qualities of food for men, women and children; state the proportion of fluids, when to be taken, and of what kind;

specify the amount of exercise, and define its character; describe the clothing to be employed; determine the hours of sleep; and to enforce these regulations it must employ officials to oversee every one's domestic arrangements. If, on the other hand, a universal supervision of private conduct is not meant, then there comes the question—Where, between this and no supervision at all, lies the boundary up to which supervision is a duty?

There is a manifest analogy between committing to Government-guardianship the physical health of the people, and committing to it their moral health. If the welfare of men's souls can be fitly dealt with by acts of parliament, why then the welfare of their bodies can be fitly dealt with likewise. The disinfecting society from vice may naturally be cited as a precedent for disinfecting it from pestilence. Purifying the haunts of men from noxious vapours may be held quite as legitimate as purifying their moral atmosphere. The fear that false doctrines may be instilled by unauthorized preachers, has its analogue in the fear that unauthorized practitioners may give deleterious medicines or advice. And the prosecutions once committed to prevent the one evil, countenance the penalties used to put down the other. Contrariwise, the arguments employed by the dissenter to show that the moral sanity of the people is not a matter for State-superintendence, are applicable, with a slight change of terms, to their physical sanity also.

Let no one think this analogy imaginary. The two notions are not only theoretically related; we have facts proving that they tend to embody themselves in similar institutions. There is an inclination on the part of the medical profession to get itself organized after the fashion of the clergy. Little do the public at large know how actively professional publications are agitating for State-appointed overseers of the public health. Take up the *Lancet*, and you will find articles written to show the necessity of making poor-law medical

officers independent of Boards of Guardians, by appointing them for life, holding them responsible only to central authority, and giving them handsome salaries from the Consolidated Fund. The *Journal of Public Health* proposes that "every house on becoming vacant be examined by a competent person as to its being in a condition adapted for the safe dwelling in of the future tenants;" and to this end would raise by fees, chargeable on the landlords, "a revenue adequate to pay a sufficient staff of inspectors four or five hundred pounds a year each." A non-professional publication, echoing the appeal, says—"No reasonable men can doubt that if a proper system of ventilation were rendered imperative upon landlords, not only would the cholera and other epidemic diseases be checked, but the general standard of health would be raised." While the *Medical Times* shows its leanings by announcing, with marked approbation, that "the Ottoman Government has recently published a decree for the appointment of physicians to be paid by the State," who "are bound to treat gratuitously all—both rich and poor—who shall demand advice."

The most specious excuse for not extending to medical advice the principles of free trade, is the same as that given for not leaving education to be diffused under them; namely, that the judgment of the consumer is not a sufficient guarantee for the goodness of the commodity. The intolerance shown by orthodox surgeons and physicians towards unordained followers of their calling, is to be understood as arising from a desire to defend the public against quackery. Ignorant people, say they, cannot distinguish good treatment from bad, or skilful advisers from unskilful ones: hence it is needful that the choice should be made for them. And then, following in the track of priesthoods, for whose persecutions a similar defence has always been set up, they agitate for more stringent regulations against unlicensed practitioners, and descant upon the dangers to which men are exposed by

an unrestricted system. Hear Mr. Wakley. Speaking of a recently-revived law relating to chemists and druggists, he says,—"It must have the effect of checking, to a vast extent, that frightful evil called counter-practice, exercised by unqualified persons, which has so long been a disgrace to the operation of the laws relating to medicine in this country, and which, doubtless, has been attended with a dreadful sacrifice of human life." (*Lancet*, Sept. 11, 1841.) And again, "There is not a chemist and druggist in the empire who would refuse to prescribe in his own shop in medical cases, or who would hesitate day by day to prescribe simple remedies for the ailments of infants and children." . . . "We had previously considered the evil to be of enormous magnitude, but it is quite clear that we had under-estimated the extent of the danger to which the public are exposed." (*Lancet*, Oct. 16, 1841.)

Any one may discern through these ludicrous exaggerations much more of the partizan than of the philanthropist. But let that pass. And without dwelling upon the fact that it is strange a "dreadful sacrifice of human life" should not have drawn the attention of the people themselves to this "frightful evil,"—without doing more than glance at the further fact, that nothing is said of those benefits conferred by "counter practice," which would at least form a considerable set off against this "evil of enormous magnitude;" let it be conceded that very many of the poorer class *are* injured by druggists' prescriptions and quack medicines.* The allegation having been thus, for argument's sake, admitted in full, let us now consider whether it constitutes a sufficient plea for legal interference.

Inconvenience, suffering, and death, are the penalties attached by Nature to ignorance, as well as to incompetence —are also the means of remedying these. Partly by weed-

* The infliction of such injuries is not peculiar to quacks. During the last four years (I add this note in 1890) I have had occasion to consult seven medical men, and six out of the seven did me harm!

VERSITY OF LIFORNIA

ing out those of lowest development, and partly by subjecting those who remain to the never-ceasing discipline of experience, Nature secures the growth of a race who shall both understand the conditions of existence, and be able to act up to them. It is impossible in any degree to suspend this discipline by stepping in between ignorance and its consequences, without, to a corresponding degree, suspending the progress. If to be ignorant were as safe as to be wise, no one would become wise. And all measures which tend to put ignorance upon a par with wisdom, inevitably check the growth of wisdom. Acts of parliament to save silly people from the evils which putting faith in empirics may entail on them, do this, and are therefore bad. It is best to let the foolish man suffer the penalty of his foolishness. For the pain—he must bear it as well as he can: for the experience—he must treasure it up, and act more rationally in future. To others as well as to himself will his case be a warning. And by multiplication of such warnings, there cannot fail to be generated a caution corresponding to the danger to be shunned.

A sad population of imbeciles would our schemers fill the world with, could their plans last. A sorry kind of human constitution would they make for us—a constitution continually going wrong, and needing to be set right again—a constitution ever tending to self-destruction. Why the whole effort of Nature is to get rid of such—to clear the world of them, and make room for better. Mark how the diseased are dealt with. Consumptive patients, with lungs incompetent to perform the duties of lungs, people with digestive organs that will not take up enough nutriment, people with defective hearts which break down under effort, people with any constitutional flaw preventing due fulfilment of the conditions of life, are continually dying out, and leaving behind those fit for the climate, food, and habits to which they are born. Even the less-imperfectly organized who, under ordinary circumstances, manage to live with comfort,

are still the first to be carried off by adverse influences; and only such as are robust enough to resist these—that is, only such as are tolerably well adapted to both the usual and incidental necessities of existence, remain. And thus is the race kept free from vitiation. Of course this statement is in substance a truism; for no other arrangement of things is conceivable. But it is a truism to which most men pay little regard. And if they commonly overlook its application to body, still less do they note its bearing upon mind. Yet it is equally true here. Nature just as much insists on fitness between mental character and circumstances, as between physical character and circumstances; and radical defects are as much causes of death in the one case as in the other. He on whom his own stupidity, or vice, or idleness, entails loss of life, must, in the generalizations of philosophy, be classed with the victims of weak viscera or malformed limbs. In his case, as in the others, there exists a fatal non-adaptation; and it matters not in the abstract whether it be a moral, an intellectual, or a corporeal one. Beings thus imperfect are Nature's failures, and are recalled by her when found to be such. Along with the rest they are put upon trial. If they are sufficiently complete to live, they *do* live, and it is well they should live. If they are not sufficiently complete to live, they die, and it is best they should die. And however irregular the action of this law may appear—however it may seem that much chaff is left behind which should be winnowed out, and that much grain is taken away which should be left behind; yet due consideration must satisfy every one that the *average* effect is to purify society from those who are, *in some respect or other*, essentially faulty.

Of course, in so far as the severity of this process is mitigated by the spontaneous sympathy of men for one another, it is proper that it should be mitigated: albeit there is unquestionably harm done when sympathy is shown, without any regard to ultimate results. But the drawbacks hence arising are nothing like commensurate with the benefits

otherwise conferred. Only when this sympathy prompts to a breach of equity—only when it originates an interference forbidden by the law of equal freedom—only when, by so doing, it suspends in some particular department of life the relationship between constitution and conditions, does it work pure evil. Then, however, it defeats its own end. It favours the multiplication of those worst fitted for existence, and, by consequence, hinders the multiplication of those best fitted for existence—leaving, as it does, less room for them. It tends to fill the world with those to whom life will bring most pain, and tends to keep out of it those to whom life will bring most pleasure. It inflicts positive misery, and prevents positive happiness.

Turning now to consider these impatiently-agitated schemes for improving our sanitary condition by act of parliament, the first criticism to be passed on them is that they are needless, inasmuch as there are already efficient influences at work gradually accomplishing every desideratum.

Seeing, as do the philanthropic of our day, like the congenitally blind to whom sight has just been given, they form very crude and very exaggerated notions of the evils to be dealt with. Some, anxious for the enlightenment of their fellows, collect statistics exhibiting a lamentable amount of ignorance; publish these; and the lovers of their kind are startled. Others dive into the dens where poverty hides itself, and shock the world with descriptions of what they see. Others, again, gather together information respecting crime, and make the benevolent look grave by their disclosures. Whereupon, in horror at these revelations, men keep thoughtlessly assuming that the evils have lately become greater, when in reality it is they who have become more observant of them. If few complaints have hitherto been heard about crime, and ignorance, and misery, it is not that in times past these were less widely spread, for the contrary is the fact; but it is that our forefathers thought little about them, and

said little about them. Overlooking which circumstance, and forgetting that social evils have been undergoing a gradual amelioration, many entertain a needless alarm lest fearful consequences should ensue, if these evils are not immediately remedied, and a visionary hope that immediate remedy of them is possible.

Such are the now prevalent feelings relative to sanitary reform. We have had a multitude of blue-books, Board of Health reports, leading articles, pamphlets, and lectures, descriptive of bad drainage, overflowing cesspools, festering graveyards, impure water, and the filthiness and humidity of low lodging houses. The facts thus published are thought to warrant, or rather to demand, legislative interference. It seems never to be asked, whether any corrective process is going on. Although the rate of mortality has been gradually decreasing, and the value of life is higher in England than elsewhere—although the cleanliness of our towns is greater now than ever before, and our spontaneously-grown sanitary arrangements are far better than those existing on the Continent, where the stinks of Cologne, the uncovered drains of Paris, the water-tubs of Berlin,* and the miserable footways of the German towns, show what State-management effects; yet it is perversely assumed that by State-management only can the remaining impediments to public health be removed. Surely the causes which have brought the sewage, the paving and lighting, and the water-supply of our towns, to the present state, have not suddenly ceased. Surely that amelioration which has been taking place in the condition of London for these two or three centuries, may be expected to continue. Surely the public spirit which has carried out so many urban improvements since the Municipal Corporations Act gave greater facilities, can carry out other improvements. One would have thought that less excuse for

* For putting out fires in Berlin they depend on open tubs of water that stand about the city at certain points, ready to be dragged where they are wanted. [Since 1850 an English firm has changed all this.]

meddling existed now than ever. Now that so much has been effected; now that the laws of health are beginning to be generally studied; now that people are reforming their habits of living; now that the use of baths is spreading; now that temperance, and ventilation, and due exercise are getting thought about—to interfere *now*, of all times, is surely as rash and uncalled-for a step as was ever taken.

And then to think that, in their haste to obtain by law healthier homes for the masses, men should not see that the natural process already commenced is the only process which can eventually succeed. The Metropolitan Association for improving the Dwellings of the Labouring Classes is doing all that is possible in the matter. It is endeavouring to show that, under judicious management, the building of salubrious habitations for the poor becomes a profitable employment of capital. If it shows this, it will do all that needs to be done; for capital will quickly flow into investments offering good returns. If it does *not* show this—if, after due trial, it finds that these Model Lodging Houses do not pay, then Acts of Parliament will not improve matters.* These plans for making good ventilation imperative; insisting upon water-supply, and fixing the price for it, as Lord Morpeth's Bill would have done; having empty houses cleansed before re-occupation, and charging the owners of them for inspection —these plans for coercing landlords into giving additional advantages for the same money are nothing but repetitions of the old proposal, that "the three-hooped pot shall have ten hoops," and are just as incapable of realization. The first result of an attempt to carry them out would be a diminution of the profits of house-owners. The interest on

* I ought to have said that Acts of Parliament can remove the evils complained of only by inflicting other evils; but at that time no one dreamed that the advance of Socialism would be so rapid that in 40 years municipal governments would make rate-payers pay part of the rents of working-class houses; for this is what is done when by public funds they are supplied with better houses than they would otherwise have.

capital invested in houses no longer being so high, capital would seek other investments. The building of houses would cease to keep pace with the growth of population. Hence would arise a gradual increase in the number of occupants to each house. And this change in the ratio of houses to people would continue until the demand for houses had raised the profits of the landlord to what they were, and until, by overcrowding, new sanitary evils had been produced to parallel the old ones.* If, by building in larger masses

* Such results have actually been brought about by the Metropolitan Buildings Act. While this Act has introduced some reform in the better class of houses (although to nothing like the expected extent, for the surveyors are bribed, and moreover the fees claimed by them for inspecting every trifling alteration operate as penalties on improvement), it has entailed far more evil, just where it was intended to confer benefit. An architect and surveyor describes it as having worked after the following manner. In those districts of London consisting of inferior houses, built in that insubstantial fashion which the New Buildings Act was to mend, there obtains an average rent, sufficiently remunerative to landlords whose houses were run up economically before the New Buildings Act passed. This existing average rent fixes the rent that must be charged in these districts for new houses of the same accommodation—that is, the same number of rooms, for the people they are built for do not appreciate the extra safety of living within walls strengthened with hoop-iron bond. Now it turns out upon trial, that houses built in accordance with the present regulations, and let at this established rate, bring in nothing like a reasonable return. Builders have consequently confined themselves to erecting houses in better districts (where the possibility of a profitable competition with pre-existing houses shows that those pre-existing houses were tolerably substantial), and have ceased to erect dwellings for the masses, except in the suburbs where no pressing sanitary evils exist. Meanwhile, in the inferior districts above described, there has resulted an increase of overcrowding—half-a-dozen families in a house—a score lodgers to a room. Nay, more than this has resulted. That state of miserable delapidation into which these abodes of the poor are allowed to fall, is due to the absence of competition from new houses. Landlords do not find their tenants tempted away by the offer of better accommodation. Repairs being unnecessary for securing the largest amount of profit, are not made. And the fees demanded by the surveyor, even when an additional chimney-pot is put up, supply ready excuses for doing nothing. Thus, while the New Buildings Act has caused some improvement where improvement was not

and to a greater height, such an economy can be achieved in ground-rent, the cost of outer walls, and of roofing, as to give more accommodation at the same expense as now (which happily seems probable); then the fact only needs proving, and, as before said, the competition of capital for investment will do all that can be done; but if not, the belief that legislative coercion can make things better is a fit companion to the belief that it can fix the price of bread and the rate of wages.

Let those who are anxious to improve the health of the poor, through the indirect machinery of law, bring their zeal to bear *directly* upon the work to be done. Let them appeal to men's sympathies, and again to their interests. Let them show that the productive powers of the labourer will be increased by bettering his health, while the poors'-rates will be diminished. Above all, let them demand the removal of those obstacles which existing legislation puts in the way of sanitary improvement.* Their efforts thus directed will

---

greatly needed, it has caused none where it was needed, but has instead generated evils worse than those it was to remove. In fact, for a large percentage of the very horrors which our sanitary agitators are now trying to cure by law, we have to thank previous agitators of the same school.

* Writing before the repeal of the brick-duty, the *Builder* says—"It is supposed that one-fourth of the cost of a dwelling which lets for 2*s.* 6*d.* or 3*s.* a week is caused by the expense of the title-deeds and the tax on wood and bricks used in its construction. Of course the owner of such property must be remunerated, and he therefore charges 7½*d.* or 9*d.* a week to cover those burdens." Mr. C. Gatliff, secretary to the Society for Improving the Dwellings of the Working Classes, describing the effect of the window-tax says—"They are now paying upon their institution in St. Pancras, the sum of £162 16*s.* in window duties, or 1 per cent. per annum upon the original outlay. The average rental paid by the Society's tenants is 5*s.* 6*d.* per week, and the window-duty deducts from this 7½*d.* per week."—Deputation to Lord Ashley, see *The Times*, Jan. 31, 1850. Mr. W. Voller, a master-tailor, says—"I lately inserted one of Dr. Arnott's ventilators in the chimney of the workshop, little thinking I should be called upon by Mr. Badger, our district surveyor, for a fee of 25*s.*"—*Morning Chronicle*, Feb. 4, 1850.

really promote progress. Whereas their efforts as now directed are either needless or injurious.

It is in this case, as in many others, the peculiarity of what are oddly styled "practical measures," that they supersede agencies which are answering well by agencies which are not likely to answer well. Here is a heavy charge of inefficiency brought against the drains, cesspools, stink-traps, &c., of England in general and London in particular. The evidence is voluminous and conclusive, and by common consent a verdict of proven is returned. Citizens look grave and determine to petition Parliament about it. Parliament promises to consider the matter; and after the usual amount of debate, says—"Let there be a Board of Health." Whereupon petitioners rub their hands, and look out for great things. They have unbounded simplicity—these good citizens. Legislation may disappoint them fifty times running, without at all shaking their faith in its efficiency. They hoped that Church abuses would be rectified by the Ecclesiastical Commission: the poor curates can say whether that hope has been realized. Backed by an Act of Parliament the Poor-Law Commissioners were to have eradicated able-bodied pauperism: yet, until checked by the recent prosperity, the poors'-rates have been rapidly rising to their old level. The New Buildings Act was to have given the people of London better homes; whereas, as we lately saw, it has made worse the homes that most wanted improving. Men were sanguine of reforming criminals by the silent system, or the separate system; but, if we are to judge by the disputes of their respective advocates, neither of these plans is very successful. Pauper children were to have been made into good citizens by industrial education; from all quarters, however, come statements that a very large percentage of them get into gaol, or become prostitutes, or return to the workhouse. The measures enjoined by the Vaccination Act of 1840 were to have exterminated small-pox; but the Registrar-

General's reports show that the deaths from small-pox have been increasing. Yet scarcely a doubt seems to arise respecting the competency of legislators to do what they propose. From the times when they tried to fix the value of money down to our own day, when they have just abandoned the attempt to regulate the price of corn, statesmen have been undertaking all kinds of things, from prescribing the cut of boot-toes, up to preparing people for Heaven; and have been constantly failing. Nevertheless such inexhaustible faith have men that, although they see this, and although they are daily hearing of imbecilities in public departments—of Admiralty Boards which squander three millions a year in building bad ships and breaking them up again—of Woods and Forests Commissioners who do not even know the rental of the estates they manage—of bungling excise-chemists who commit their chiefs to losing prosecutions, for which compensation has to be made; yet Government needs but to announce another plausible project, and men straightway hurrah, and throw up their caps, in the full expectation of getting all that is promised.

But the belief that Boards of Health, and the like, will never effect what is hoped, needs not wholly rest either on abstract considerations, or on our experience of State-instrumentalities in general. We have one of these organizations at work, and, as far as may be at present judged, it has done anything but answer people's expectations. To condemn it because choked sewers, and open gully-holes, and filthy alleys remain much as they were, would, perhaps, be unreasonable; for time is needed to rectify evils so widely established. But there is one test by which we may fairly estimate its efficiency; namely, its conduct before and during the late pestilence. It had more than a year's notice that the cholera was on its way here. There were two whole sessions of Parliament intervening between the time when a second invasion from that disease was foreseen and the time when the mortality was highest. The Board of Health had, there-

fore, full opportunity to put forth its powers, and to get greater powers if it wanted them. Well, what was the first step which might have been looked for from it? Shall we not say the suppression of intramural interments? Burying the dead in the midst of the living was manifestly hurtful; the evils attendant on the practice were universally recognized; and to put it down required little more than a simple exercise of authority. If the Board of Health believed itself possessed of authority sufficient for this, why did it not use that authority when the advent of the epidemic was rumoured? If it thought its authority not great enough (which can hardly be, remembering what it ultimately did), then why did it not obtain more? Instead of taking either of these steps, however, it occupied itself in considering future modes of water-supply, and devising systems of sewage. While the cholera was approaching, the Board of Health was cogitating over reforms from which the most sanguine could not expect any considerable benefit for years to come. And then, when the enemy was upon us, this guardian in which men were putting their trust, suddenly bestirred itself, and did what, for the time being, made worse the evils to be remedied. As was said by a speaker, at one of the medical meetings held during the height of the cholera, "the Commissioners of Public Health had adopted the very means likely to produce that complaint. Instead of taking their measures years ago, they had stirred up all sorts of abominations now. They had removed dunghills and cesspools, and added fuel tenfold to the fire that existed. (Hear, hear.) Never since he could recollect had there been such accumulations of abominable odours as since the Health of Towns Commission had attempted to purify the atmosphere. (A laugh, and Hear, hear.)" At length when, in spite of all that had been done (or, perhaps, partly in consequence of it), the mortality continued to increase, the closing of graveyards was decided upon; in the hope, as we must suppose, that the mortality would thereby be checked. As though, when there

were hundreds of thousands of bodies decomposing, the ceasing to add to them would immediately produce an appreciable effect!

Even could State-agency compass for our towns the most perfect salubrity, it would be in the end better to remain as we are, rather than obtain such a benefit by such means. It is quite possible to give too much even for a great desideratum. However valuable good bodily health may be, it is dearly purchased when mental health goes in exchange. Whoso thinks that Government can supply sanitary advantages for nothing, or at the cost of more taxes only, is woefully mistaken. They must be paid for with character as well as with taxes.

Let it be again remembered that men cannot *make* force. All they can do is to avail themselves of force already existing, and employ it for working out this or that purpose. They cannot increase it; they cannot get from it more than its due effect; and as much as they expend of it for doing one thing, must they lack of it for doing other things. Thus it is now becoming a received doctrine, that what we call chemical affinity, heat, light, electricity, magnetism, and motion, are all manifestations of the same primordial force—that they are convertible into one another; and, as a corollary, that it is impossible to obtain in any one form of this force more than its equivalent in the previous form. Now this is equally true of the agencies acting in society. It is quite possible to divert the power at present working out one result, to the working out of some other result. But you cannot make more of it, and you cannot have it for nothing. Just as much better as this particular thing is done, so much worse must another thing be done.

Or, changing the illustration, and regarding society as an organism, we may say that it is impossible artificially to use up social vitality for the more active performance of one function, without diminishing the activity with which other

functions are performed. So long as society is let alone, its various structures will go on developing in due subordination to one another. If some of them are very imperfect, and make no appreciable progress towards efficiency, it is because still more important organs are equally imperfect, and because the growth of these involves cessation of growth elsewhere. Be sure, also, that whenever there arises a special necessity for the better performance of any one function, or for the establishment of some new function, Nature will respond. Instance, in proof of this, the increase of particular manufacturing towns and sea-ports, or the formation of incorporated companies. Is there a rising demand for some commodity of general consumption? Immediately the organ secreting that commodity becomes more active, absorbs more people, begins to enlarge, and secretes in greater abundance. To interfere with this process by producing premature development in any particular direction, is inevitably to disturb the due balance of organization, by causing somewhere else a corresponding atrophy. At any given time the amount of a society's vital force is fixed. Dependent as is that vital force on the extent to which men have acquired fitness for a co-operative life—upon the efficiency with which they can combine as elements of the social organism, we may be quite certain that, while their characters remain constant, nothing can increase its total quantity. We may be also certain that this total quantity can produce only its equivalent of results; and that no legislators can get more from it, although by wasting it they may get less.

Already, in treating of Poor-Laws and National Education, we have examined in detail the reactions by which these attempts at a multiplication of results are defeated. In the case of sanitary administrations, a similar reaction may be traced; showing itself, among other ways, in the checking of social improvements which demand popular enterprise.

Should proof of this be asked, it may be found in the contrast between English energy and Continental helpless-

ness. English engineers (Manby, Wilson, and Co.) established the first gas-works in Paris, after the failure of a French company; and many of the gas-works throughout Europe have been constructed by Englishmen. An English engineer (Miller) introduced steam navigation on the Rhone; another English engineer (Pritchard) succeeded in ascending the Danube by steam, after the French and Germans had failed. The first steam-boats on the Loire were built by Englishmen (Fawcett and Preston); the great suspension bridge at Pesth has been built by an Englishman (Tierney Clarke); and an Englishman (Vignolles) is now building a still greater suspension bridge over the Dnieper. Many Continental railways have had Englishmen as consulting engineers; and in spite of the celebrated Mining College at Freyburg, several of the mineral fields along the Rhine have been opened up by English capital employing English skill. Now why is this? Why were our coaches so superior to the diligences and eilwagen of our neigbours? Why did our railway-system develop so much faster? Why are our towns better drained, better paved, and better supplied with water? There was originally no greater mechanical aptitude, and no greater desire to progress, in us than in the connate nations of Northern Europe. If anything, we were comparatively deficient in these respects. Early improvements in the arts of life were imported. The germs of our silk and woollen manufactures came from abroad. The first water-works in London were erected by a Dutchman. How happens it, then, that we have now reversed the relationship? Manifestly the change is due to difference of discipline. Having been left in a greater degree than others to manage their own affairs, the English people have become self-helping, and have acquired great practical ability. While, conversely, that comparative helplessness of the paternally-governed nations of Europe, illustrated in the above facts, and commented upon by Laing, in his *Notes of a Traveller*, and by other observers, is a natural result of the State-superintend-

ence policy—is the reaction attendant on the action of official mechanisms—is the atrophy corresponding to some artificial hypertrophy.

One apparent difficulty accompanying the doctrine now contended for remains to be noticed. If sanitary administration by the State be wrong, because it implies a deduction from the citizen's property greater than is needful for maintaining his rights, then is sanitary administration by municipal authorities wrong also for the same reason. Be it by general government or by local government, the levying of compulsory rates for drainage, and for paving and lighting, is inadmissible, as indirectly making legislative protection more costly than necessary, or, in other words, turning it into aggression (p. 123); and if so, it follows that neither the past, present, nor proposed methods of securing the health of towns are equitable.

This seems an awkward conclusion; nevertheless, as deducible from our general principle, we have no alternative but to accept it. How streets and courts are rightly to be kept in order remains to be considered. Respecting sewage there would be no difficulty. Houses might readily be drained on the same mercantile principle that they are now supplied with water. It is probable that in the hands of a private company, the resulting manure would not only pay the cost of collection, but would yield a considerable profit. But if not, the return on the invested capital would be made up by charges to those whose houses were drained: the alternative of having their connexions with the main sewer stopped, being as good a security for payment as the analogous ones possessed by water and gas companies.* Paving and lighting

* At the time this was written (1850) I was not aware that a conclusive illustration existed. Six years afterwards I learnt from the surveyor of Cheltenham (then Mr. H. Dangerfield) that before that town was incorporated there had been formed a company by which the place was drained; and this company paid 7 per cent. on its capital!

would properly fall to the management of house-owners. Were there no public provision for such conveniences, house-owners would quickly find it their interest to furnish them. Some speculative building society having set the example of improvement in this direction, competition would do the rest. Dwellings without proper footways before them, and with no lamps to show the tenants to their doors, would stand empty, when better accommodation was offered. And good paving and lighting having thus become essential, landlords would combine for the more economical supply of them.*

To the objection that the perversity of individual landlords and the desire of some to take unfair advantage of the rest, would render such an arrangement impracticable, the reply is that in new suburban streets, not yet taken to by the authorities, such an arrangement is, to a considerable extent, already carried out, and would be much better carried out but for the consciousness that it is merely temporary. Moreover, no adverse inference could be drawn, were it even shown that

* Only quite recently (in 1890) have I become aware of cases showing that, as above alleged, the lighting of towns might very well have been effected by voluntary agency in the absence of municipal administration. That the making and distribution of gas is practicable without the action of any local government is, indeed, a familiar fact; though had achievement of the convenience been postponed until town-councils undertook it at the cost of the ratepayers, it would doubtless have been supposed that it could have been achieved in no other way. But there is proof that not only is private enterprise capable of supplying the inhabitants of towns with gas for indoor consumption, but that it is also capable of establishing and maintaining out-door lighting. In 1862, Pewsey, a small place in Wiltshire of not quite 2,000 people, established a gas company. Its chief business has been to supply private houses and shops, but it has also lighted the streets: being paid for doing this by the voluntary subscriptions of the chief inhabitants. Such difficulties as have arisen have been due to the fact that in so small a place the subscribers living far outside of it, who derive little benefit from the lighting, bear a large ratio to those living within the place: difficulties which would not arise in a town of any size. Though the company pays but 2 per cent., yet the smallness of the dividend is obviously due to the large proportion which the cost of the plant and administration bears to the returns, where the business is so small.

for the present such an arrangement *is* impracticable. So, also, was personal freedom once. So once was representative government, and is still with many nations. As repeatedly pointed out, the practicability of recognizing men's rights is proportionate to the degree in which men have become moral. That an organization dictated by the law of equal freedom cannot yet be fully realized, is no proof of its imperfection: is proof only of *our* imperfection. And as, by diminishing this, the process of adaptation has already fitted us for institutions which were once too good for us, so will it go on to fit us for others that may be too good for us now.

CURRENCY, POSTAL ARRANGEMENTS, ETC.

So constantly have currency and government been associated—so universal has been the control exercised by law-givers over monetary systems—so completely have men come to regard this control as a matter of course; that scarcely any one seems to inquire what would result were it abolished. Perhaps in no case is the necessity of State-superintendence so generally assumed; and in no case will the denial of that necessity cause so much surprise.

That laws interfering with currency cannot be enacted without a reversal of State-duty is obvious; for either to forbid the issue, or enforce the receipt, of certain notes or coin in return for other things, is to infringe the right of exchange—is to prevent men making exchanges which they otherwise would have made, or is to oblige them to make exchanges which they otherwise would not have made. If there be truth in our general principle, it must be impolitic as well as wrong to do this. Nor will those who infer as much be deceived; for it may be shown that such dictation is not only needless, but injurious.

The monetary arrangements of any community are ultimately dependent, like most of its other arrangements, on the morality of its members. Among a people altogether dishonest, every mercantile transaction must be effected in coin or goods; for promises to pay cannot circulate at all, where, by the hypothesis, there is no probability that they will be redeemed. Conversely, among perfectly honest peo-

ple paper alone will form the circulating medium; seeing that as no one of such will give promises to pay more than his assets will cover, there can exist no hesitation to receive promises to pay in all cases; and metallic money will be needless, save in nominal amount to supply a measure of value. Manifestly therefore, during any intermediate state, in which men are neither altogether dishonest nor altogether honest, a mixed currency will exist; and the ratio of paper to coin will vary with the degree of trust individuals can place in one another. There seems no evading this conclusion. The greater the prevalence of fraud, the greater will be the number of transactions in which the seller will part with his goods only for an equivalent of intrinsic value; that is, the greater will be the number of transactions in which coin is required, and the more will the metallic currency preponderate. On the other hand, the more generally men find each other trustworthy, the more frequently will they take payment in notes, bills of exchange, and cheques; the fewer will be the cases in which gold and silver are called for, and the smaller will be the quantity of gold and silver in circulation.

Thus, self-regulating as is a currency when let alone, laws cannot improve its arrangements, although they may, and continually do, derange them. That the State should compel every one who has given promises to pay—be he merchant, private banker, or shareholder in a joint-stock bank—duly to discharge the responsibilities he has incurred, is very true. To do this, however, is merely to maintain men's rights—to administer justice; and therefore comes within the State's normal function. But to do more than this—to restrict issues, or forbid notes below a certain denomination, is no less injurious than inequitable. For limiting the paper in circulation to an amount smaller than it would otherwise reach, inevitably necessitates a corresponding increase of coin; and as coin is locked-up capital, on which the nation gets no interest, a needless increase of it is equiva-

lent to an additional tax equal to the additional interest lost.

Moreover, even under such restrictions, men must still depend mainly on one another's good faith and enlightened self-interest; seeing that only by requiring the banker to keep sufficient specie in his coffers to cash all the notes he has issued, can *complete* security be given to the holders of them; and to require as much is to destroy the motive for issuing notes. It should be remembered, too, that even now the greater part of our paper currency is wholly unguaranteed. Over the bills of exchange in circulation,* which represent liabilities three times as great as are represented by notes, no control is exercised. For the honouring of these there exists no special security, and the multiplication of them is without any limit, save that natural one above mentioned—the credit men find it safe to give one another.

Lastly, we have experience completely to the point. While in England banking has been perpetually controlled, now by privileging the Bank of England, now by limiting banking partnerships, now by prohibiting banks of issue within a specified circle, and now by restricting the amounts issued —while "we have never rested for many years together without some new laws, some new regulations, dictated by the fancy and theory fashionable at particular periods" † and while "by constant interference we have prevented public opinion, and the experience of bankers themselves, adapting and moulding their business to the best and safest course" ‡—there has existed in Scotland for nearly two centuries a wholly uncontrolled system,—a complete free-trade in currency. And what have been the comparative results? Scotland has had

* Though not literally currency, bills of exchange, serving in many cases to effect mercantile transactions which would otherwise be effected in money, to that extent perform its function.

† *Capital, Currency, and Banking.* By James Wilson, Esq., M. P.

‡ *Ibid.*

the advantage, both in security and economy. The gain in security is proved by the fact that the proportion of bank failures in Scotland has been far less than in England. Though "by *law* there has never been any restriction against *any* one issuing notes in Scotland; yet, in *practice*, it has ever been impossible for any unsound or unsafe paper to obtain currency." * And thus the natural guarantee in the one case has been more efficient than the legislative one in the other. The gain in economy is proved by the fact that Scotland has carried on its business with a circulation of £3,500,000, while in England the circulation is from £50,000,000 to £60,000,000; or, allowing for difference of population, England has required a currency three times greater than Scotland.

When, therefore, we find *a priori* reason for concluding that in any given community the due balance between paper and coin will be spontaneously maintained—when we also find that three-fourths of our own paper circulation is self-regulated, and that the restrictions on the other fourth entail a useless sinking of capital—when we find, further, that facts prove a self-regulated system to be both safer and cheaper, we may fairly say, as above, that legislative interference is not only needless, but injurious.

If evil arises when the State takes upon itself to regulate currency, so also does evil arise when it turns banker. True, no direct breach of duty is committed in issuing notes; for the mere transfer of promises to pay to those who will take them, necessitates neither infringement of men's rights nor the raising of taxes for illegitimate purposes. Did the State confine itself to this, no harm would result; but when, as in practice, it makes its notes, or, rather, those of its proxy, legal tender, it both violates the law of equal freedom and opens the door to abuses that were else impossible. Having enacted that its agent's promises to pay shall be taken in

* *Capital, Currency, and Banking.* By James Wilson, Esq., M. P.

discharge of all claims between man and man, there readily follows, when occasion calls, the further step of enacting that these promises to pay shall be taken in discharge of all claims on its agent. This done, further liabilities are incurred without difficulty, for they can be liquidated in paper. Paper continues to be issued without limit, and then comes depreciation; which depreciation is virtually an additional taxation imposed without the popular consent—a taxation which, if directly imposed, would make men realize the extravagance of their national expenditure, and condemn the war necessitating it. Seeing, then, that there could never occur depreciation, and its concomitant evils, were there no notes made inconvertible by Act of Parliament; and seeing that there could never exist any motive to make notes legally inconvertible, save for purposes of State-banking; there is good reason to consider State-banking injurious. Should it be urged that, for the occasional evils it entails State-banking more than compensates by the habitual supply of many millions' worth of notes, whose place could not be supplied by other notes of equal credit, it is replied that had the Bank of England no alliance with the State,* its notes would still circulate as extensively as now, provided its proprietors continued their solicitude (so constantly shown at the half-yearly meetings) to keep their assets more than three millions above their liabilities.

There is a third capacity in which a Government usually stands related to the currency, namely, as a manufacturer of coins. That in theory a Government may carry on the trade of stamping bullion without necessarily reversing its proper function is admitted. Practically, however, it never does so without collaterally transgressing. For the same causes which

* The alliance consists in this, that on the credit of a standing debt of £14,000,000, due from the Government to the Bank, the Bank is allowed to issue notes to that amount (besides further notes on other security), and hence to the extent of this debt the notes have practically a Government guarantee.

prevent it from profitably competing with private individuals in other trades, must prevent it from profitably competing with them in this—a truth which inquiry into the management of the Mint will sufficiently enforce. And if so, a Government can manufacture coins without loss only by forbidding every one else to manufacture them. By doing this, however, it diminishes men's liberty of action in the same way as by any other trade restriction—in short, does wrong. And, ultimately, the breach of the law of equal freedom thus committed results in society having to pay more for its metallic currency than would otherwise be necessary.

Perhaps to most it will seem that by a national mint alone can the extensive diffusion of spurious coinage be prevented. But those who suppose this, forget that under a natural system there would exist the same safeguards against such an evil as at present. The ease with which bad money is distinguished from good, is the ultimate guarantee for genuineness; and this guarantee would be as efficient then as now. Moreover, whatever additional security arises from the punishment of "smashers," would still be afforded; seeing that to bring to justice those who, by paying in base coin, obtain goods "under false pretences," comes within the State's duty. Should it be urged that, in the absence of legislative regulations, there would be nothing to prevent makers from issuing new mintages of various denominations and degrees of fineness, the reply is that only when some obvious public advantage was to be obtained by it, could a coin differing from current ones get into circulation. Were private mints now permitted, the proprietors of them would be obliged to make their sovereigns like existing ones, because no others would be taken. For the size and weight—they would be tested by gauge and balance, as now (and for a while with great caution). For the fineness—it would be guaranteed by the scrutiny of other makers. Competing firms would assay each other's issues whenever there appeared the least reason to

think them below the established standard, and should their suspicions prove correct, would quickly find some mode of diffusing the information. Probably a single case of exposure and the consequent ruin, would ever after prevent attempts to circulate coins of inferior fineness.

It is not unlikely that many readers, though unprepared with definite replies to these reasonings, will still doubt their correctness. That the existing monetary system—an actual working system, seemingly kept going by the State—would be benefited by the withdrawal of State-control, is a belief which the strongest arguments will in most cases fail to instil. Custom will bias men in this case, much as in another case it does the vine-growers of France, who, having long been instructed by State-commissioned authorities when to commence the vintage, believe that such dictation is beneficial. So much more does a realized fact influence us than an imagined one, that had the baking and sale of bread been hitherto carried on by Government-agents, probably the supply of bread by private enterprise would scarcely be conceived possible, much less advantageous. The philosophical free-trader, however, remembering this effect of habit over the convictions—remembering how innumerable have been the instances in which legislative control was erroneously thought necessary—remembering that in this very matter of currency men once considered it requisite "to use the most ferocious measures to bring as much foreign bullion as possible into the country, and to prevent any going out"—remembering how *that* interference, like others, proved not only needless but injurious—remembering all this, the philosophical free-trader will infer that in the present instance also, legislative control is undesirable. Reasons for considering trade in money an exception to the general rule, will weigh but little with him; for he will recollect that similar reasons have been assigned for restricting various trades, and have been disproved by the results. Rather will he conclude that as, in spite of all prophecies and appearances to the con-

trary, entire freedom of exchange has been beneficial in other cases, so, despite similar prophecies and adverse appearances, will it be beneficial in this case.*

What was lately said respecting the stamping of bullion may here be repeated respecting the carrying of letters, that it is not intrinsically at variance with State-duty; for it does not in the abstract necessitate any infringement of men's rights, either directly, or by taxes raised for non-protective purposes. Nevertheless, just as we found reason to think that Government could not continue to manufacture coin unless by preventing private individuals from doing the same, so shall we find reason to think that it would cease to carry letters did it not forbid competition. And if this is implied,

* The conclusion drawn in the above section has been contested by Prof. W. Stanley Jevons in his work on *Money and the Mechanism of Exchange*. He argues that in this case the judgment of the consumer cannot be trusted to maintain the quality, because the consumer does not take the money to keep it, but to pass it on, and hence has no interest in any greater goodness of it than will enable him to pass it on. He enunciates what has been called Gresham's law, "that *bad money drives out good money*, but that *good money cannot drive out bad money*." But this ignores the fact that after a certain point depreciation of value from wear (which is the cause he assigns for debasement) hinders the circulation of the debased money; for, as from time to time, banks deduct discount on receiving much-worn coins, and as traders, knowing this, often refuse much-worn coins, there arises a resistance to the circulation of the inferior coinage, and it becomes unable, as alleged, to drive out the good. Not having myself much studied this question, however, I rely chiefly on an authority certainly not lower than Prof. Jevons, namely, the late Mr. Walter Bagehot, who as banker, editor of the *Economist*, and writer on financial matters, was a judge specially competent. Shortly before his death, I named to him Prof. Jevons' argument. He dissented from it and agreed with me. He did more. He expressed the opinion that had there existed no interdicts on coining by private persons, the house of Rothschild would long before this have established an universal coinage! If he was right in this belief, how enormous has been the injury inflicted on mankind by State-interdicts on coining. What an immense amount of labour and loss would have been saved had things been allowed to take their natural course!

a Government cannot undertake postal functions without reversing its essential function.

Evidence that private enterprise *would* supersede State-agency in this matter, were it allowed the opportunity, is deducible not only from our general experience of the inferiority of Government in the capacity of manufacturer, trader, or manager of business, but from facts immediately bearing on the question. Thus we must remember that the efficiency to which our postal system has actually attained is not due to its being under public administration, but is due to pressure from without. Changes have been forced on the authorities, not introduced by them. The mail-coach system was established, and for a length of time managed, by a private individual, and lived down official opposition. The reform originated by Mr. Rowland Hill was strenuously resisted; and it is generally reported that even now, official perversity prevents his plans from being fully carried out. Whereas, seeing that the speculative spirit of trade is not only ready, but eager, to satisfy social wants, it is probable that under a natural state of things modern postal improvements would have been willingly adopted, if not forestalled. Should it be alleged that private enterprize would not be competent to so gigantic an undertaking, it is replied that already there are extensive organizations of analogous character which work well. The establishments of our large carriers ramify throughout the kingdom; and we have a Parcels Delivery Company co-extensive in its sphere with the London District Post, and quite as efficient. Private agencies for communicating information beat public ones even now, wherever they are permitted to compete with them. The foreign expresses of our daily papers are uniformly before the Government expresses. Copies of a royal speech, or statements of an important vote, are diffused throughout the country by the press, with a rapidity exceeding that ever achieved by the Post Office; and if expedition is shown in the stamping and sorting of letters, it is far surpassed by the

expedition of parliamentary reporting. Moreover, much of the postal service itself is already performed by the private agency of railway companies and steam-boat companies. Not only are our internal mails carried by contract, but nearly all our external ones also; and where they are carried by Government they are carried at a great loss. In proof of which assertion it needs but to quote the fact that the Peninsular and Oriental Steam Navigation Company offers to secure for us a direct monthly communication with Australia; two communications monthly from Southampton to Alexandria; two communications monthly from Suez to Ceylon, Singapore, and China; and two communications monthly from Calcutta to Singapore and China; besides performing the service twice a month between Suez and Bombay; and all for the same sum of money which the latter service alone (Suez to Bombay) now costs the Governments of India and Great Britain!

If, then, public letter-carrying has been brought to its existing efficiency by the thought, enterprize, and urgency of private persons, in spite of official resistance—if organizations similar to our postal ones already exist and work well—if, as conveyers of intelligence by other modes than the mail, trading bodies uniformly excel the State—if much of the mail service itself is performed by such trading bodies, and that, too, on the largest scale, with incomparably greater economy than the State can perform it with; there is nothing unreasonable in the conclusion that, were it permitted, commercial enterprize would generate a letter-carrying system as efficient as, if not more efficient than, our present one. It is true that many obstacles stand in the way of such a result. But because it is now scarcely possible to see our way over these, it does not follow that they may not be surmounted. There are moral inventions as well as physical ones. And it frequently happens that the instrumentalities which ultimately accomplish certain social desiderata, are as little foreseen as are the mechanical appliances of one generation by the

previous one. Take the Railway Clearing-House for an example. Hence it is not too much to expect that under the pressure of social necessity, and the stimulus of self-interest, satisfactory modes of meeting all such difficulties would be discovered.

However, any doubts which may still be entertained on the point do not militate against our general principle. It is clear that the restriction put upon the liberty of trade, by forbidding private letter-carrying establishments, is a breach of State-duty. It is also clear that were that restriction abolished, a natural postal system would eventually grow up, could it surpass in efficiency our existing one. And it is further clear that if it could not surpass it, the existing system might rightly continue; for, as at first said, the fulfilment of postal functions by the State is not *intrinsically* at variance with the fulfilment of its essential function.

The execution by Government of what are commonly called public works, as lighthouses, harbours of refuge, &c., implying, as it does, the imposition of taxes for other purposes than maintaining men's rights against foreign and domestic foes, is as much forbidden by our definition of State-duty as is a system of national education, or a religious establishment. Nor is this unavoidable inference really an inconvenient one; however much it may at first seem so. The agency by which these minor wants of society are now satisfied, is not the only agency competent to satisfy them. Wherever there exists a want, there will also exist an impulse to get it fulfiled; and this impulse is sure, eventually, to produce action. In the present case, as in others, that which is beneficial to the community as a whole, it will become the private interest of some part of the community to accomplish. And as this private interest has been so efficient a provider of roads, canals, and railways, there is no reason why it should not be an equally efficient provider of harbours of refuge, lighthouses, and all analogous appliances. Even were there

no classes whose private interests would be obviously subserved by executing such works, this inference might still be defended. But there are such classes. Ship-owners and merchants have a direct and ever-waking motive to diminish the dangers of navigation; and were they not taught by custom to look for State-aid, would themselves quickly unite to establish safeguards. Or, possibly, they would be anticipated by a combination of Marine Insurance Offices (themselves protective institutions originated by self-interest). But inevitably, in some way or other, the numerousness of the parties concerned and the largeness of the capital at stake, would guarantee the taking of all requisite precautions. That enterprize which built the docks of London, Liverpool, and Birkenhead—which is enclosing the Wash—which so lately bridged the Atlantic by steam—and which is now laying down the electric telegraph across the Channel—might safely be trusted to provide against the contingencies of coast-navigation.

GENERAL CONSIDERATIONS.

SOCIAL philosophy may be aptly divided (as political economy has been) into statics and dynamics; the first treating of the equilibrium of a perfect society, the second of the forces by which society is advanced towards perfection.* To determine what laws we must obey for the obtainment of complete happiness is the object of the one; while that of the other is to analyze the influences which are making us competent to obey these laws. Hitherto we have concerned ourselves chiefly with the statics, touching on the dynamics only occasionally for purposes of elucidation. Now, however, the dynamics claim special attention. Some of the phenomena of progress already referred to need further explanation, and many others associated with them remain to be noticed. There are also sundry general considerations not admissible into foregoing chapters, which may here be fitly included.

And first let us mark that the course of civilization could not have been other than it has been. Given an unsubdued Earth; given the being—Man, fitted to overspread and occupy

* I had seen this division of Political Economy in the work of Mr. J. S. Mill, where he refers to it as having been made by some one—a political economist I supposed. In the above sentence I assumed that I was giving the division a wider application; whereas it appears that I was simply giving to it the original application made by M. Comte. But at that time Comte was to me only a name.

it; given the laws of life what they are; and no other series of changes than that which has taken place, could have taken place.

Each member of a race fulfilling the conditions to greatest happiness, must be so constituted that he may obtain full satisfaction for every desire without diminishing the power of others to obtain like satisfactions: nay, must derive pleasure from seeing pleasure in others. Now, for such beings to multiply in a world tenanted by inferior creatures—creatures which must be dispossessed to make room—is a manifest impossibility. By the definition, such beings would lack all desire to exterminate the races they are to supplant. They would, indeed, have a repugnance to exterminating them; for the ability to derive pleasure from seeing pleasure, involves the liability to derive pain from seeing pain. Evidently, therefore, these hypothetical beings, instead of subjugating and overspreading the Earth, would themselves become the prey of pre-existing creatures, in which destructive desires predominated. Hence the aboriginal man must have a character fitting him to clear it of races endangering his life, and races occupying the space required by mankind. He must have a desire to kill; for it is the law of animal life that to every needful act must attach a gratification, the desire for which may serve as a stimulus. In other words, he must be what we call a savage; and must be left to acquire fitness for social life as fast as the conquest of the Earth renders social life possible.

Whoever thinks that men might have full sympathy with their fellows, while lacking all sympathy with inferior creatures, will discover his error on looking at the facts. The Indian whose life is spent in the chase, delights in torturing his brother man as much as in killing game. His sons are schooled into fortitude by long days of torment, and his squaw made prematurely old by hard treatment. Among partially-civilized nations the two characteristics have ever borne the same relationship. Thus the spectators in the

Roman amphitheatres were as much delighted by the slaying of gladiators as by the death-struggles of wild beasts. The ages during which Europe was thinly peopled, and hunting a chief occupation, were also the ages of feudal violence, universal brigandage, dungeons, tortures. Here in England a whole province depopulated to make game a preserve, and a law sentencing to death the serf who killed a stag, show that great activity of the predatory instinct and utter indifference to human happiness coexisted. In later days, when bull-baiting and cock-fighting were common pastimes, the penal code was far more severe than now; prisons were full of horrors; men put in the pillory were maltreated by the populace; and the inmates of lunatic asylums, chained naked to the wall, were exhibited for money, and tormented for the amusement of visitors. Conversely, among ourselves a desire to diminish human misery is accompanied by a desire to ameliorate the condition of inferior creatures. While the kindlier feeling of men is seen in all varieties of philanthropic effort—in charitable societies, in associations for improving the dwellings of the labouring classes, in anxiety for popular education, in attempts to abolish capital punishment, in zeal for temperance reform, in ragged schools, in endeavours to protect climbing boys, in inquiries concerning "labour and the poor," in emigration funds, in the milder treatment of children, and so on—it also shows itself in societies for the prevention of cruelty to animals, in Acts of Parliament to put down the use of dogs for purposes of draught, in the condemnation of *battues*, in the late inquiry why the pursuers of a stag should not be punished as much as the carter who maltreats his horse, and lastly, in vegetarianism. Moreover, to make the evidence complete, we have the fact that men partially adapted to the social state, retrograde on being placed in circumstances which call forth the old propensities. The barbarizing of colonists, who live under aboriginal conditions, is universally remarked. The back settlers of America, among whom unpunished murders, rifle duels,

and Lynch law prevail—or, better still, the trappers, who leading a savage life have descended to savage habits, to scalping, and occasionally even to cannibalism—sufficiently exemplify it.

The same impulses govern in either case. The desire to inflict suffering distinguishes not between the creatures who exhibit that suffering, but obtains gratification indifferently from the agonies of beast and human being. Contrariwise, the sympathy which prevents its possessor from inflicting pain that he may avoid pain himself, and which tempts him to give happiness that he may have happiness reflected back upon him, is similarly undistinguishing. It reproduces in one being the emotions exhibited by other beings; and it extracts pleasure from the friskiness of a just-unchained dog, or excites pity for an ill-used beast of burden, as readily as it generates fellow feeling with the joys and sorrow of men.

Thus it is necessary that the primitive man should be one whose happiness is obtained regardless of the expense to other beings. It is necessary that the ultimate man should be one who can obtain happiness without deducting from the happiness of others. The first of these constitutions has to be moulded into the last. And the manifold evils which have filled the world for these thousands of years—the murders, enslavings, and robberies—the tyrannies of rulers, the oppressions of class, the persecutions of sect and party, the multiform embodiments of selfishness in unjust laws, barbarous customs, dishonest dealings, exclusive manners, and the like—simply illustrate the disastrous working of this original and once needful constitution, now that mankind have grown into conditions for which it is not fitted—are nothing but symptoms of the suffering attendant on the process of adapting humanity to its new circumstances.

But why, it may be asked, has the adaptation gone on so slowly?

The answer is, that the new conditions to which adaptation has been taking place have themselves grown up but slowly. The warfare between man and the creatures at enmity with him has continued down to the present time, and over a large portion of the globe is going on now. Where the destructive propensities are on the eve of losing their gratification, they make to themselves artificial spheres of exercise by game-preserving, fox-hunting, cock-fights, bull-fights, bear-baiting; and are so kept in activity. But note, chiefly, that the old predatory disposition is in a certain sense self-maintained. For it generates between men and men hostile relationship similar to those which it generates between men and inferior animals; and by doing so provides itself a lasting source of excitement. This happens inevitably. The desires of the savage acting, as we have seen, indiscriminately, necessarily lead to quarrels of individuals, to fightings of tribes, to feuds of clan with clan, to wars of nations.

Hitherto, then, human character has changed but slowly, because it has been subject to two conflicting sets of conditions. On the one hand, the discipline of the social state has been developing it into the sympathetic form; while on the other hand, the necessity for self-defence partly of man against brute, partly of man against man, and partly of societies against one another, has been maintaining the old unsympathetic form. And only where the influence of the first set of conditions has exceeded that of the last, and then only in proportion to the excess, has modification taken place.

Regarded thus, civilization is a development of man's latent capabilities under favourable circumstances; which favourable circumstances, mark, were certain some time or other to occur. Those complex influences underlying the higher orders of natural phenomena, but more especially those underlying the organic world, work in subordination to the law of probabilities. A plant, for instance, produces

thousands of seeds. The greater part of these are destroyed by creatures which live upon them, or fall into places where they cannot germinate. Of the young plants produced by those which do germinate, many are smothered by their neighbors; others are blighted by insects, or eaten up by animals; and, *in the average of cases*, only one of them produces a perfect specimen of its species which, escaping all dangers, brings to maturity seeds enough to continue the race. Thus is it also with every kind of creature. Thus is it also, as M. Quetelet has shown, with the phenomena of human life. Thus was it even with the germination and growth of societies. The seeds of civilization existing in the aboriginal man, and distributed over the Earth by his multiplication, were certain in the lapse of time to fall here and there into circumstances fit for their development; and, in spite of all blightings and uprootings, were certain, by sufficient repetition of these occurrences, ultimately to originate a civilization which should outlive all disasters.

The forces at work exterminate such sections of mankind as stand in the way, with the same sternness that they exterminate beasts of prey and herds of useless ruminants. Just as the savage has taken the place of lower creatures, so must he, if he have remained too long a savage, give place to his superior. And observe, it is necessarily to his superior that, in the majority of cases, he does give place. For what are the pre-requisites to a conquering race? Numerical strength, or more powerful nature, or an improved system of warfare; all of them indications of advancement. Numerical strength implies certain civilizing antecedents. Deficiency of game may have necessitated agricultural pursuits, and so made the existence of a larger population possible; or distance from other tribes may have rendered war less frequent, and so have prevented its perpetual decimations; or accidental superiority over neighbouring tribes, may have led to the final subjugation and enslaving of these: in any of which

cases the comparatively peaceful condition resulting must have allowed progress to commence. Evidently, therefore, the conquest of one people over another has been, in the main, the conquest of the social man over the anti-social man; or, strictly speaking, of the more adapted over the less adapted.

In another mode, too, the continuance of the unsympathetic character has indirectly aided civilization while it has directly hindered it; namely, by giving rise to slavery. It has been truly observed that only by such stringent coercion as is exercised over men held in bondage, could the needful power of continuous application have been developed. Devoid of this, as from his habits of life the aboriginal man necessarily was (and as, indeed, existing specimens show), probably the severest discipline continued for many generations, was required to make him submit contentedly to the necessities of his new state. And if so, the barbarous selfishness which maintained that discipline, must be considered as having worked a collateral benefit, though in itself so radically bad.

Let not the reader be alarmed. Let him not fear that these admissions will excuse new invasions and new oppressions. Nor let any one who fancies himself called upon to take Nature's part in this matter, by providing discipline for idle negroes or others, suppose that these dealings of the past will serve for precedents. Rightly understood, they will do no such thing. That phase of civilization during which forcible supplantings of the weak by the strong, and systems of savage coercion, are on the whole advantageous, is a phase which spontaneously and necessarily gives birth to these things. It is not in pursuance of any calmly-reasoned conclusions respecting Nature's intention that men conquer and enslave their fellows—it is not that they smother their kindly feelings to subserve civilization; but it is that, as yet constituted, they care little what suffering they inflict in the pursuit of gratification, and even think the achievement and exercise of mas-

tery honourable. As soon, however, as there arises a perception that these subjugations and tyrannies are not right—as soon as the sentiment to which they are repugnant becomes sufficiently powerful to suppress them, it is time for them to cease. The question altogether depends on the amount of moral feeling possessed by men, or, in other words, on the degree of adaptation to the social state they have undergone. Unconsciousness that there is anything wrong in exterminating inferior races, or in reducing them to bondage, presupposes an almost rudimentary state of men's sympathies and their sense of human rights. The oppressions they then inflict and submit to, are not, therefore, detrimental to their characters—do not retard in them the growth of the social sentiments; for these have not yet reached a development great enough to be offended by such doings. And hence the aids given to civilization by clearing the Earth of its least advanced inhabitants, and by forcibly compelling the rest to acquire industrial habits, are given without moral adaptation receiving any corresponding check. Quite otherwise is it, however, when the flagitiousness of these gross forms of injustice begins to be recognized. Then the times give proof that the old *régime* is no longer fit. Further progress cannot be made until the newly-felt wrong has been done away or diminished. Were it possible under such circumstances to uphold past institutions and practices, it would be at the expense of a continual searing of men's consciences. Before a forced servitude could be again established for the industrial discipline of eight hundred thousand Jamaica blacks, the thirty millions of English whites who established it would have to retrograde in all things—in truthfulness, fidelity, generosity, honesty, and even in material condition; for to diminish men's moral sense is to diminish their fitness for acting together, and, therefore, to render the best producing and distributing organizations impracticable. Another illustration, this, of the economy of Nature. While the injustice of conquests and enslavings is not perceived,

they are on the whole beneficial; but as soon as they are felt to be at variance with the moral law, the continuance of them retards adaptation in one direction more than it advances in another: a fact which our new preacher of the old doctrine that might is right, may profitably consider a little.

Contrasted as are their units, primitive communities and advanced ones must essentially differ in the principles of their structure. Like other organisms, the social organism has to pass in the course of its development through temporary forms, in which sundry of its functions are fulfilled by appliances destined to disappear as fast as the ultimate appliances become efficient. Associated humanity has larval appendages analogous to those of individual creatures.

But deciduous institutions imply deciduous sentiments. Dependent as they are upon popular character, established political systems cannot die out until the feeling which upholds them dies out. Hence, during man's apprenticeship to the social state, there must predominate in him some impulse corresponding to the arrangements requisite; which impulse diminishes as the probationary organization made possible by it, merges into the ultimate organization. The nature and operation of this impulse now demand our attention.

"I had so great a respect for the memory of Henry IV.," said the celebrated French robber and assassin, Cartouche, "that had a victim I was pursuing taken refuge under his statue on the Pont Neuf, I would have spared his life." An apt illustration, this, of the co-existence of profound hero-worship with the extremest savageness, and of the means hero-worship affords whereby the savage may be ruled. For the anti-social man to be transformed into the social man, he must live in the social state. But how can a society be maintained when, by the hypothesis, the aggressive desires of its members are destructive of it? Evidently its members must

possess some counterbalancing tendency which shall keep them in the social state despite the incongruity, and which shall diminish as adaptation to the new circumstances renders restraint less needful. Such counterbalancing tendency we have in this sentiment which leads men to prostrate themselves before any manifestation of power, be it in chief, feudal lord, king, or constitutional government.

Facts illustrate this alleged connexion between strength of hero-worship and strength of the aggressive propensities, and other facts illustrate the simultaneous decline of both.

In some of the Pacific isles, where the immolation of children to idols, and the burying of parents alive, are common, "so high is the reverence for hereditary chieftainship that it is often connected with the idea of Divine power." In Fiji complete absolutism co-exists with rampant cannibalism. We read of human hecatombs in connexion with the extremest prostration of subjects to rulers, as in Dahomy. There is autocratic government, too, for the bloodthirsty Mongolian races. Both positive and negative proof of this association is given by Mr. Grote, where he says, "In no city of historical Greece did there prevail either human sacrifices or deliberate mutilations, such as cutting off the nose, ears, hands, feet, &c., or castration, or selling of children into slavery, or polygamy, *or the feeling of unlimited obedience towards one man;* all of them customs which might be pointed out as existing amongst the contemporary Carthaginians, Egyptians, Persians, Thracians," &c. If we consult mediæval history, there, along with loyalty strongly manifested, are the right of private war, constant wearing of arms, religious martyrdoms and massacres, &c., to prove that life was held in less respect than now. And we see that in recent times among ourselves, diminished reverence for authority has occurred simultaneously with diminished sanguinariness in our criminal code.

That infringements of personal liberty are greatest where awe of power is greatest, is in some sort a truism; seeing

that forced servitude, through which alone extensive violations of human liberty can be made, is impossible unless the sentiment of power-worship is strong. Thus, the ancient Persians could never have allowed themselves to be considered the private property of their monarchs, had it not been for the overwhelming influence of this sentiment. But that such submission is associated with a defect of moral sense, is best seen in the acknowledged truth that readiness to cringe is accompanied by an equal readiness to tyrannize. Satraps lorded it over the people as their king over them. The Helots were not more coerced by their Spartan masters than these in turn by their oligarchy. Of the servile Hindoos we are told that "they indemnify themselves for their passiveness to their superiors by their tyranny, cruelty, and violence to those in their power." During the feudal ages, while the people were bondsmen to the nobles, the nobles were vassals to their kings, their kings to the pope. In Russia, at the present moment, the aristocracy are dictated to by their emperor much as they themselves dictate to their serfs.*

Prevalence of theft is similarly associated with a predominance of the loyalty-producing faculty. Books of travels give proof that among uncivilized races pilfering and the irresponsible power of chiefs coexist. The piracy of the Malays and of the Chinese, and the long-continued predatory habits of the Arab races, both on land and sea, exist in conjunction with obedience to despotic rule. "One quality," says Kohl, "which the Lettes show, with all enslaved tribes, is a great disposition to thieving." The Russians, to whom worship of their emperor is a luxury, confess openly that they are cheats, and laugh over the confession. The Poles, whose servile salutation is—"I throw myself under your feet," and among whom nobles are cringed to by the Jews and citizens, and these again by the people, are certainly not noted for probity. Turning to the superior races, we find

* This was written before serfdom was abolished.

that they, too, have passed through phases in which this same relationship of characteristics was marked. The times when subjection of serfs to feudal lords was strongest, were times of universal rapine. "In Germany a very large proportion of the rural nobility lived by robbery:" their castles being built with a special view to this occupation, and that even by ecclesiastics.* Burghers were fleeced, towns were now and then sacked, and Jews were tortured for their money. Kings were as much thieves as the rest. They laid violent hands on the goods of their vassals, like John of England and Philip Augustus of France; they cheated their creditors by debasing the coinage; they impressed men's horses without paying for them; and they seized the goods of traders, sold them, and pocketed a large part of the proceeds. Meantime, while freebooters overran the land pirates covered the sea: the Cinque Ports and St. Malo being the head quarters of those infesting the English Channel.

Between these days and ours, the gradual decline of loyalty—as shown in the extinction of feudal relationships, in the abandonment of divine right of kings, in the reduction of monarchical power, and in the comparative leniency with which treason is now punished—has accompanied an equally gradual increase of honesty, and of regard for people's lives and liberties. By how much men are still deficient in respect for one another's rights, by so much are they still penetrated with respect for authority; and we may even trace in existing classes a relation between these characteristics. Of such meaning is the observation respecting convicts, quoted and confirmed by Captain Maconochie, that "a good prisoner (*i.e.*, a submissive one) is usually a bad man."† If, again,

* "An Archbishop of Cologne having built a fortress of this kind, the governor inquired how he was to maintain himself, no revenue having been assigned for that purpose. The prelate only desired him to remark, that the castle was situated near the junction of four cross roads."—*Hallam's Middle Ages.*

† See pamphlets on the Mark System of Discipline.

we turn over the newspapers which circulate among court-satellites and chronicle the movements of the *haut-ton*, which ascribe national calamities to the omission of a royal title from a new coin, and which apologize for Continental despots; we read in them excuses for war and standing armies, sneerings at "peace-mongers," defences of capital punishments, condemnations of popular enfranchisement, diatribes against freedom of exchange, rejoicings over territorial robberies, and vindications of church-rate seizures: showing that, where belief in the sacredness of authority most lingers, belief in the sacredness of life, of liberty, and of property, is least displayed.

The fact that, during civilization, awe of authority and regard for equity vary inversely, is simply the obverse of the fact already hinted, that society is possible so long only as they continue to do this. Evidently, if men are to live together, the absence of internal power to rule themselves rightly towards each other, necessitates the presence of external power to enforce such behaviour as may make association tolerable; and this power can become operative only if reverenced. So that wild races deficient in the allegiance-producing sentiment, cannot enter into a civilized state at all, but have to be supplanted by others which can. And it must further follow that if in any community loyalty diminishes at a greater rate than equity increases, there will arise a tendency towards social dissolution—a tendency which the populace of Paris threaten to illustrate.*

How needful the continuance of a savage selfishness renders the continuance of a proportionate amount of power-worship, may be perceived daily. Examine into trade practices; read over business correspondence; or get a solicitor to detail his conversations with clients:—you will find that

* And which they have since illustrated.

in most cases conduct depends, not upon what is right, but upon what is legal. Provided they "keep o' the windy side of the law," the great majority are but little restrained by regard for strict rectitude. The question with your every-day man of the world is, not—May the claimant justly require thus much of me? but rather—"Is it so nominated in the bond?" If "an action will lie," such an one will commonly enough take proceedings to obtain what he knows himself not equitably entitled to; and if "the law allows it and the court awards it," will pocket all he can get without scruple. When we find doings like these regarded as matters of course, and those guilty of them passing for respectable men—when we thus find that so many will deal fairly by their fellows only on compulsion; we discover how requisite is the sentiment from which the compelling instrumentality derives its force.

Without doubt this sentiment has begotten many gigantic evils, some of which it still nurtures. The various superstitions that have prevailed, and that still prevail, as to the great things legislatures can do, and the disastrous meddlings growing out of these superstitions, are due to it. The veneration which produces submission to a Government, unavoidably invests that Government with proportionately high attributes; for being in essence a worship of power, it can be strongly drawn out towards that only which either has great power, or is believed to have it. Hence the old delusions that rulers can fix the value of money, the rate of wages, and the price of food. Hence the still-current fallacies about preventing distress, easing monetary pressures, and curing over-population by law. Hence, also, the monstrous, though generally-received doctrine, that a legislature may equitably take people's property to such extent, and for such purposes, as it thinks fit. Yet, in spite of all this—in spite of the false theories and mischievous interferences, the numberless oppressions and miseries, in one way or other traceable to it, we must admit that this power-worship has fulfilled, and still

fulfils, a very important function, and that it may advantageously last as long as it can.

That it cannot last longer than needful may be readily proved. The very feeling, during whose minority it exercises regency over men, becomes the destroyer of its authority. Between the temporary ruler and the ultimate rightful one, there is an unceasing conflict, in which the wane of influence on the one side is necessitated by its growth on the other.

For, as already shown, the sense of rights, by whose sympathetic excitement men are led to behave justly towards one another, is the same sense of rights by which they are prompted to assert their own claims—their own freedom to exercise their faculties—and to resist every encroachment. This impulse brooks no restraint, save that imposed by fellow feeling; and disputes all assumption of extra privilege, by whomsoever made. Consequently, it is in perpetual antagonism with a sentiment which delights in subserviency. "Reverence this authority," suggests power-worship. "Why should I? who set it over me?" demands instinct of freedom. "I will do what your Highness bids," says the one with bated breath. "Pray, sir," shouts the other, "who are you, that you should dictate to me?" "This man is divinely appointed to rule over us, and we ought therefore to submit," argues the one. "I tell you, no," replies the other; "we have divinely-endorsed claims to freedom, and it is our duty to maintain them." And thus the controversy goes on: conduct during each phase of civilization being determined by the relative strengths of the two feelings. While yet too feeble to be operative as a social restraint, moral sense, by its scarcely-heard protest, does not hinder a predominant hero-worship from giving possibility to the most stringent despotism. Gradually, as it grows strong enough to deter men from the grosser trespasses on one another, it also grows strong enough to struggle successfully against that coercion which is no longer required.

Of course the institutions of any given age exhibit the compromise made by these contending sentiments at the signing of their last truce. Between the state of unlimited government arising from supremacy of the one feeling, and the state of no government arising from supremacy of the other, lie intermediate forms of political organization, beginning with "despotism tempered by assassination," and ending with that highest development of the representative system, under which the right of constituents to instruct their delegates is fully admitted: a system which, by making the nation at large a deliberative body, and reducing the legislative assembly to an executive, carries self-government to the fullest extent compatible with the existence of a ruling power. Of necessity the mixed constitutions which characterize this transition period, are in the abstract absurd. The two feelings, answering to the popular and monarchical elements, being antagonistic, give utterance to antagonistic ideas. And to suppose that these can be consistently united, is to suppose that *yes* and *no* can be reconciled. The monarchical theory is, that the people are in duty bound to submit themselves with all humility to a certain individual—ought to subordinate their wills to his will. Contrariwise, the democratic theory—either as specifically defined, or as embodied in our own constitution under the form of a power to withhold supplies, and in the legal fiction that the citizen assents to the laws he has to obey—is, that the people ought *not* to be subject to the will of one, but should fulfil their own wills. Now these are flat contradictions. If a king may rightfully claim obedience, then should that obedience be entire; else there starts up the unanswerable question—why must we obey in this and not in that? But if men may rightfully rule themselves, then should they rule themselves altogether. Otherwise it may be asked—why are they their own masters in such and such cases, and not in the rest?

Nevertheless, though these mixed governments, combin-

ing as they do two mutually destructive hypotheses, are utterly irrational in principle, they must of necessity exist, so long as they are in harmony with the mixed constitution of the partially-adapted man. And it seems that the radical incongruity pervading them cannot be recognized by men, while there exists a corresponding incongruity in their own natures: a good illustration of the law that opinion is ultimately determined by the feelings, and not by the intellect.

How completely, indeed, conceptions of right and wrong in these matters, depend on the balance of impulses existing in men, may be worth considering a moment. And first observe that no tracing out of actions to their final good or bad consequences, is, by itself, capable of generating approbation or reprobation of those actions. Could it do this, men's moral codes would be high or low, according as they made these analyses well or ill, that is—according to their intellectual acuteness. Whence it would follow that, in all ages and nations, men of equal intelligence should have like ethical theories, while contemporaries should have unlike ones, if their reflective powers are unlike. But facts do not answer to these inferences. On the contrary, they point to the law above specified. Both history and daily experience prove to us that men's ideas of rectitude, correspond to the sentiments and instincts predominating in them. We constantly read of despots defending their claims to unlimited sway as being divinely authorized. The *rights* of rival princes were of old asserted by their respective partisans, and are still asserted by modern legitimists, with a warmth like that with which an ardent democrat asserts the rights of man. To those living in feudal times, so unquestionable seemed the duty of serfs to obey their lords, that Luther, (no doubt acting conscientiously) urged the barons to vengeance on the rebellious peasants; calling on all who could "to stab them, cut them down, and dash their brains out, as if they

were mad dogs." Moreover, we shall find that deficiency of the appropriate sentiment disables the mind from realizing the title of the human being to freedom. Thus, Plato could conceive of nothing better for his ideal republic than a system of class despotism; and, indeed, up to his time, and long after it, there seems to have existed no man who saw anything wrong in slavery. It is narrated of Colonel D'Oyley, the first governor of Jamaica, that within a few days after having issued an order "for the distribution to the army of 1701 Bibles," he signed another order for the "payment of the summe of twenty pounds sterling, out of the impost money, to pay for fifteen doggs, brought by John Hoy, for the hunting of the negroes." The holding of slaves by ministers of religion in America is a parallel fact. Dr. Moberly, of Winchester College, has written a book to defend fagging; which he says, as a system of school-government, gives "more security of essential deep-seated goodness than any other which can be devised." Again, in a recent pamphlet, signed "A Country Parson," it is maintained that "you must convert the Chartist spirit as you would reform the drunkard's spirit, by showing that it is a rebellion against the laws of God." But the strangest peculiarity exhibited by those deficient in the sense of rights—or rather that which looks the strangest to us—is their inability to recognize their own claims. We are told, for instance, by Lieutenant Bernard,* that in the Portuguese settlements on the African coast, the free negroes are "taunted by the slaves as having no white man to look after them, and see them righted when oppressed;" and it is said that in America, the slaves themselves look down upon the free blacks, and call them rubbish.

To account, by any current hypothesis, for the numberless disagreements in men's ideas of right and wrong here briefly exemplified, seems scarcely possible. But on the theory that

* *Three Years' Cruize in the Mozambique Channel.*

opinion is a resultant of moral forces, whose equilibrium varies with every race and epoch—that is, with every phase of adaptation—the rationale is evident. Nor indeed, considering the matter closely, does it appear that society could ever hold together were not opinion thus dependent on the balance of feelings. For, were it otherwise, races yet needing coercive government might reason their way to the conclusion that coercive government is bad, as readily as more advanced races. And did they do this, social dissolution would ensue; for they would not then remain contented under that stringent rule needed to keep them in the social state.

The process by which a change of political arrangements is effected, when the incongruity between them and the popular character becomes sufficient, must be itself in keeping with that character, and must be violent or peaceful accordingly. There are not a few who exclaim against all revolutions wrought out by force of arms; forgetting that the quality of a revolution, like that of an institution, is determined by the natures of those who make it. Moral suasion is very admirable; good for us—good, indeed, for all who can be induced to use it. But to suppose that, in the earlier stages of social growth, moral suasion can be employed, or, if employed, would answer, is to overlook the conditions. Stating the case mechanically, we may say that as, in proportion to their unfitness for associated life, the framework within which men are restrained must be strong, so must the efforts required to break up that framework, when it is no longer fit, be convulsive. The existence of a Government which does not bend to the popular will—a despotic Government—presupposes several circumstances which make any change but a violent one impossible. First, for coercive rule to have been practicable, implies in the people a predominance of that awe of power ever indicative of still lingering savageness. Moreover, with a large amount of power-worship

present, disaffection can take place only when the accumulated evils of misgovernment have generated great exasperation. Add to which, that as abundance of the sentiment upholding external rule, involves lack of the sentiments producing internal rule, no such check to excesses as that afforded by a due regard for the lives and claims of others, can be operative. And where there are comparatively active destructive propensities, extreme anger, and deficient self-restraint, violence is inevitable, Peaceful revolutions occur under quite different circumstances. They become possible only when society, no longer consisting of members so antagonistic, begins to cohere from its own internal organization, and needs not be kept together by unyielding external restraints; and when, by consequence, the force required to effect change is less. They become possible only when men, having acquired greater adaptation to the social state, will neither inflict on one another nor submit to, such extreme oppressions; and when, therefore, the causes of popular indignation are diminished. They become possible only when character has grown more sympathetic; and when, as a result of this, the tendency towards angry retaliation is partially neutralized. Indeed, the very idea that reforms may and ought to be effected peacefully, implies a large endowment of the moral sense. Without this, such an idea cannot even be conceived, much less carried out; with this, it may be both.

Hence, we must look on social convulsions as on other natural phenomena, which work themselves out in a certain inevitable, unalterable way. *If* such and such events had not occurred, say you, the result would have been otherwise; *if* this or that man had lived, he would have prevented the catastrophe. Do not be thus deceived. These changes are brought about by a power far above individual wills. Incongruity between character and institutions is the disturbing force, and a revolution is the act of restoring equilibrium. Accidental circumstances modify the process, but do not essentially alter the effect.

That these violent overturnings of early institutions fail to do what their originators hope, and that they finally result in the setting up of institutions not much better than those superseded, is quite true. But it is none the less true that the modifications they effect can be effected in no other way. Non-adaptation necessitates a bad mode of making changes, as well as a bad political organization. Not only must the habitual rule it calls for be severe, but even small ameliorations of this cannot be obtained without much suffering. Conversely, the same causes which render a better social state possible, render the successive modifications of it easier. These occur under less pressure, with smaller disturbance, and more frequently; until, by a gradual diminution in the amounts and intervals of change, the process merges into one of uninterrupted growth.

There is another form under which civilization can be generalized. We may consider it as a progress towards that constitution of man and society required for the complete manifestation of every one's individuality. To be that which he naturally is—to do just what he would spontaneously do—is essential to the full happiness of each, and therefore to the greatest happiness of all. Hence, in virtue of the law of adaptation, our advance must be towards a state in which this entire satisfaction of every desire, or perfect fulfilment of individual life, becomes possible. In the beginning it is impossible. If uncontrolled, the impulses of the aboriginal man produce anarchy. Either his individuality must be curbed or society must dissolve. With ourselves, though restraint is still needful, the private will of the citizen, not being so destructive of order, has more play. And further progress must be towards increased sacredness of personal claims, and a subordination of whatever limits them.

There are plenty of facts illustrating the thesis that under primitive governments the repression of individuality is

greatest, and that it becomes less as we advance. Referring to the people of Egypt, Assyria, China, and Hindostan, as contrasted with those of Greece, Mr. Grote says—"The religious and political sanction, sometimes combined and sometimes separate, determined for every one his mode of life, his creed, his duties, and his place in society, without leaving any scope for the will or reason of the individual himself." The ownership of people by rulers, from its pure form under Darius, through its various modifications down to the time of "*L'état c'est moi*," and as even still typified among ourselves in the expression, "my subjects," must be considered as a greater or less merging of many individualities in one. The parallel relationships of slaves or serfs to their master, and of the family to its head, have implied the same thing. In short, all despotisms, whether political or religious, whether of sex, of caste, or of custom, may be generalized as limitations to individuality, which it is in the nature of civilization to remove.

Of course, in advancing from the one extreme, in which the State is everything and the individual nothing, to the other extreme, in which the individual is everything and the State nothing, society must pass through many modified structures. Aristocracy and democracy are not, as they have been called, separate and conflicting principles; but they and their various mixtures with each other and with monarchy, mark the stages in this progress towards complete individuality. Nor is it only by amelioration of governmental forms that the growth of private claims as opposed to public ones is shown. It is shown, too, by the alteration in voluntary unions—in political parties, for instance; the manifest tendency of which is towards dissolution by internal divisions by diminution of power over their members, by increasing heterogeneity of opinion: that is—by the spread of a personal independence fatal to them. Still better do the changes in religious organizations illustrate this law. That multiplication of sects which has been going on in these latter

times with increasing rapidity, and which is now so abundantly exemplified by the severing of the Establishment into Evangelical, High Church, and Puseyite; again, by the Free Church secession; again, by the schism of the Methodists; again, by Unitarian differences; again, by the splitting-off of numberless local congregations not to be classed; and, again, by the preaching that identity of opinion should not be the bond of union—the universal tendency to separate thus exhibited, is simply one of the ways in which a growing assertion of individuality comes out. Ultimately, by continual subdivision, what we call sects will disappear; and in place of that artificial uniformity obtained by stamping men after an authorized pattern, there will arise one of Nature's uniformities—a general similarity qualified by numerous small differences.

From the point of view now arrived at, we may discern how what is termed in our artificial classifications of truth, *morality*, is essentially one with physical truth—is, in fact, a species of transcendental physiology. That condition of things dictated by the law of equal freedom—that condition in which the individuality of each may be unfolded without limit, save the like individualities of others—that condition towards which, as we have just seen, men are progressing, is a condition towards which the whole creation tends. Already it has been incidentally pointed out that only by entire fulfilment of the moral law can life become complete; and now we shall find that all life whatever may be defined as a quality, of which aptitude to fulfil this law is the highest manifestation.

A theory of life developed by Coleridge has prepared the way for this generalization "By life," says he, "I everywhere mean the true idea of life, or that most general form under which life manifests itself to us, which includes all other forms. This I have stated to be the *tendency to individuation;* and the degrees or intensities of life to consist in

the progressive realizations of this tendency." * To make this definition intelligible, a few of the facts sought to be expressed by it must be specified—facts exemplifying the contrast between low and high types of structure, and low and high degrees of vitality.

Restricting our illustrations to the animal kingdom, and beginning where the vital attributes are most obscure, we have, for instance, in the *Porifera*, creatures consisting of nothing but amorphous semi-fluid jelly, supported upon horny fibres (sponge). This jelly possesses no sensitiveness, has no organs, absorbs nutriment from the water which permeates its mass, and, if cut in pieces, lives on, in each part, as before. So that this "gelatinous film," as it has been called, shows little more individuality than a lump of inanimate matter; for, like that, it has no greater completeness than the pieces it is divided into. In some compound polyps which stand next, and with which Coleridge commences, the progress towards individuality is manifest; for there is now distinc-

* At the time I wrote this I was not aware that Coleridge was indebted to Schelling for this idea. When in 1864, while writing *The Classification of the Sciences*, and seeking for the most general truth presented by physical changes, it became manifest that everywhere and always there goes on either integration of matter and concomitant dissipation of motion, or absorption of motion and concomitant disintegration of matter—when it became manifest that the integration of matter and concomitant dissipation of motion, is the primary trait of all Evolution, a light was thrown on this idea of Schelling The conception of an individual is a metaphysical one, and the tendency to individuation cannot be represented in physical terms. But since the integration of matter and concomitant dissipation of motion, is a process by which there is formed an aggregate—a distinct object—an individual something; it is clear that the primary process of Evolution may, when looked at apart from any physical interpretation, be considered as resulting from a tendency to individuation. It is clear, too, that this is not a trait of living things alone, but is a trait of all evolving things, inorganic as well as organic, and that only by a forced and artificial meaning given to the word "life," can it be regarded as a definition of life. I have, however, thought it best to let the argument which runs throughout the following pages retain its original shape. The reader will easily translate the successive statements into evolutionary language.

tion of parts. To the gelatinous mass with canals running through it, we have superadded, in the *Alcyonidæ*, a number of digestive sacks, with accompanying mouths and tentacles. Here is, evidently, a partial segregation into individualities. There is still complete community of nutrition, while each polyp has a certain independent sensitiveness and contractility. Let us look next at the common *Hydræ*, or fresh-water polyps of our ponds. These creatures multiply by gemmation, that is, by the budding out of young ones from the body of the parent. "During the first period of the formation of these sprouts, they are evidently continuous with the general substance from which they arise; and even when considerably perfected, and possessed of an internal cavity and tentacula, their stomachs freely communicate with that of their parent. . . . . As soon as the newly-formed hydra is capable of catching prey, it begins to contribute to the support of its parent; the food which it captures passing through the aperture at its base into the body of the original polyp. At length, when the young is fully formed, and ripe for independent existence, the point of union between the two becomes more and more slender, until a slight effort on the part of either is sufficient to detach them, and the process is completed. . . . . Sometimes six or seven gemmæ have been observed to sprout at once from the same hydra; and although the whole process is concluded in twenty-four hours, not unfrequently a third generation may be observed springing from the newly-formed polyps even before their separation from their parent; eighteen have in this manner been seen united into one group."* Here is a creature which cannot strictly be called either simple or compound. In the alcyonide polyp many individuals are *permanently* united together. In this genus they are *temporarily* united, in so far as particular individuals are concerned, but otherwise *permanently* so; for

* *A General Outline of the Animal Kingdom.* By Professor T. R. Jones, F.G.S.

there is always a group, though that group keeps changing its members.

In independent organisms the law is still seen in successive improvements of structure. By greater individuality of parts —by greater distinctness in the natures and functions of these, all creatures possessing high vitality are distinguished from inferior ones. Those *Hydræ* just referred to, which are mere bags, with tentacles round their orifices, may be cut into parts with impunity: the parts severally undertake all the functions. Here, then, is evidently no speciality of character; the duties of all structures are performed by one tissue, which is not yet *individualized* into seaprate organs, adapted to separate ends. The individuation of organs is traceable throughout the whole range of animal life.

The changes of vital manifestation associated with, and consequent upon, these changes of structure, have the same significance. To possess a greater variety of senses, of instincts, of powers, of qualities—to be more complex in character and attributes, is to be more distinguishable from all other things; or to exhibit a more marked individuality. For, manifestly, as there are some properties which all entities, organic and inorganic, have in common, namely, weight, mobility, inertia, &c.; and as there are additional properties which all organic entities have in common, namely, powers of growth and multiplication; and as there are yet further properties which the higher organic entities have in common, namely, sight, hearing, &c.; then those still higher organic entities possessing characteristics not shared in by the rest, thereby differ from a larger number of entities than the rest, and differ in more points—that is, are more separate, more individual. Observe, again, that the greater power of self-preservation shown by beings of superior type may also be generalized under this same term—a "tendency to individuation." The lower the organism, the more it is at the mercy of external circumstances. It is continually liable to be destroyed by the elements, by want of food, by enemies;

and eventually is so destroyed in nearly all cases. That is, it lacks power to preserve its individuality. Conversely, where there is strength, sagacity, swiftness (all of them indicative of superior structure), there is corresponding ability to prevent the individuality from being so easily dissolved; and therefore the individuation is more complete.

In man we see the highest manifestation of this tendency. By virtue of his complexity of structure, he is furthest removed from the inorganic world in which there is least individuality. Again, his intelligence and adaptability commonly enable him to maintain life to old age—to complete the cycle of his existence; that is, to fill out the limits of this individuality to the full. Again, he is self-conscious; that is, he recognizes his own individuality. And, as lately shown, even the change observable in human affairs is still towards a greater development of individuality—may still be described as "a tendency to individuation."

But note lastly, and note chiefly, as being the fact to which the foregoing sketch is introductory, that what we call the moral law—the law of equal freedom—is the law under which individuation becomes perfect; and that ability to recognize and act up to this law, is the final endowment of humanity—an endowment now in process of evolution. The increasing assertion of personal rights, is an increasing demand that the external conditions needful to a complete unfolding of the individuality shall be respected. Not only is there now a consciousness of individuality, and an intelligence whereby individuality may be preserved; but there is a perception that the sphere of action requisite for due development of the individuality may be claimed; and a correlative desire to claim it. And when the change at present going on is complete, none will be hindered from duly unfolding their natures; for while every one maintains his own claims, he will respect the like claims of others. Then, there will no longer be legislative restrictions and legislative bur-

dens; for by the same process these will have become both needless and impossible. Then will there exist beings whose individualities can be expanded to the full in all directions. And thus, perfect morality, perfect individuation, and perfect life will be simultaneously realized.

Yet must this highest individuation be joined with the greatest mutual dependence. Paradoxical though the assertion looks, the progress is at once towards complete separateness and complete union. But the separateness is of a kind consistent with the most complex combinations for fulfilling social wants; and the union is of a kind that does not hinder entire development of each personality. Civilization is evolving a state of things and a kind of character, in which two apparently conflicting requirements are reconciled. To achieve the greatest sum of happiness, there must, on the one hand, exist an amount of population maintainable only by the best possible system of production; that is, by the most elaborate subdivision of labour; that is, by the extremest mutual dependence; while on the other hand, each individual must have the opportunity to do whatever his desires prompt. Clearly, these two conditions can be harmonized only by the adaptation humanity is undergoing—that process during which all desires inconsistent with the most perfect social organization are dying out, and other desires corresponding to such an organization are being developed. How this will eventuate in producing at once perfect individuation and perfect mutual dependence, may not be at once obvious; but probably an illustration will sufficiently elucidate the matter. Here are certain domestic affections, which can be gratified only by the establishment of relationships with other beings. In the absence of those beings, and the consequent dormancy of the feelings with which they are regarded, life is incomplete—the individuality is shorn of its fair proportions. Now as the normal unfolding of the conjugal and parental elements of the individuality, depends on having a

family; so, when civilization becomes complete, will the normal unfolding of all other elements of the individuality depend upon the existence of the civilized state. Just that kind of individuality will be acquired which finds in the most highly-organized community the fittest sphere for its manifestation—which finds in each social arrangement a condition answering to some faculty in itself—which could not, in fact, expand at all, if otherwise circumstanced. The ultimate man will be one whose private requirements coincide with public ones. He will be that manner of man who, in spontaneously fulfilling his own nature, incidentally performs the functions of a social unit; and yet is only enabled so to fulfil his own nature by all others doing the like.

How truly, indeed, human progress is towards greater mutual dependence, as well as towards greater individuation —how truly the welfare of each is daily more involved in the welfare of all—and how truly, therefore, it is the interest of each to respect the interests of all, may, with advantage, be illustrated at length; for it is a fact of which many seem wofully ignorant. Men cannot break that vital law of the social organism—the law of equal freedom—without penalties in some way or other coming round to them. Being themselves members of the community, they are affected by whatever affects it. Upon the goodness or badness of its state depends the greater or less efficiency with which it ministers to their wants; and the less or greater amount of evil it inflicts on them. Through those vicious arrangements that hourly gall them, they feel the accumulated result of all sins against the social law: their own sins included. And they suffer for these sins, not only in extra restraints and alarms, but in the extra labour and expense required to compass their ends.

That every trespass produces a reaction, partly general and partly special—a reaction which is extreme in propor-

tion as the trespass is great—has been more or less noticed in all ages. Thus the remark is as old as the time of Thales, that tyrants rarely die natural deaths. From his day to ours, the thrones of the East have been continually stained with the blood of their successive occupants. The early histories of all European States, and the recent history of Russia, illustrate the same truth; and if we are to judge by his habits, the present Czar lives in constant fear of assassination.* Nor do we find that those who bear universal sway, and seem able to do as they please, can really do so. They limit their own freedom in limiting that of others: their despotism recoils, and puts them also in bondage. We read, for instance, that the Roman emperors were the puppets of their soldiers. "In the Byzantine palace," says Gibbon, "the emperor was the first slave of the ceremonies he imposed." Speaking of the tedious etiquette of the time of Louis Le Grand, Madame de Maintenon remarks—"Save those only who fill the highest stations, I know of none more unfortunate than those who envy them. If you could only form an idea of what it is!" The same reaction is felt by slave-owners Some of the West India planters have acknowleged that before negro emancipation they were the greatest slaves on their estates. The Americans, too, are shackled in various ways by their own injustice. In the South, the whites are self-coerced, that they may coerce the blacks. Marriage with one of the mixed race is forbidden; there is a slave-owning qualification for senators; a man may not liberate his own slaves without leave; and only at the risk of lynching can any one say a word in favour of abolition.

It is, indeed, becoming clear to most that habitual gross transgressions return upon the perpetrators—that "this even-handed justice commends the ingredients of our poisoned

* Nicholas was emperor when this was written; but though he died from natural causes his son was assassinated, and his grandson has been more than once nearly assassinated.

chalice to our own lips"; but it is not yet clear to them that the like is true of these lesser transgressions they themselves persist in. Probably the modern maintainers of class power can see well enough that their feudal ancestors paid dearly for keeping the masses in thraldom. They can see that, what with armour and hidden mail, dimly-lighted rooms, precautions against poison, and constant fears of treachery, these barons had but uncomfortable lives. They can see that in Jacqueries, in Gallician massacres, and French revolutions, there arrive fatal settlements of long-standing balances. But they cannot see that their own inequitable deeds, in one way or other, come home to *them*. Just as these feudal nobles mistook the evils they suffered under for unalterable ordinations of Nature, never dreaming that they were the reflex results of tyranny, so do their descendants fail to perceive that many of their own unhappinesses are similarly generated.

And yet, while in some cases it is scarcely possible to trace the secret channels through which our misbehaviour to others returns upon us, there are other cases in which the reaction is palpable. People rushing out of a theatre on fire, and in their eagerness to get before one another jamming up the doorways, offer a good example of unjust selfishness defeating itself. In such cases it is clear enough, that by trespassing upon the claims of others, men hurt themselves also. The reaction is here direct and immediate. In other cases reaction comes round by some circuitous route, or after a considerable lapse of time, or in an unrecognized form. The squire who thinks it good policy to clear his estate of cottages, and saddle some other place with the paupers, forgets that landowners in neighbouring parishes will eventually defeat him by doing the same; or that if he is so situated as to settle his labourers on a town, the walking of extra miles to and fro must lower the standard of a day's work, raise the cost of cultivation, and, in the end, decrease rent. Nor does he see that by the overcrowded

bedrooms and neglected repairs to which this policy leads, he is generating debility or disease, and raising his poor's-rates in one way, while he lowers them in another. The Dorsetshire farmer who pays wages in tailings of wheat charged above market price, imagines he is economizing. It never occurs to him that he loses more than the difference by petty thefts, by the destruction of his hedges for fuel, by the consequent pounding of his cattle, and by the increase of county-rates for the prosecution of robbers and poachers. It seems very clear to the tradesman that all extra profit made by adulterating goods, is so much pure gain; and for a while, perhaps, it may be. By-and-by, however, his competitors do as he does, and the rate of profit is then brought down to what it was before. Meanwhile the general practice of adulteration has been encouraged—has got into other departments—has deteriorated the articles our shopkeeper buys; and thus, in his capacity of consumer, he suffers from the vicious system he has helped to strengthen. When, during negro apprenticeship, the West Indian planters had to value slaves who wished to buy themselves off, before "the Queen's free," they no doubt thought it cunning to make oath to a higher worth per day than the true one. But when, afterwards, having to pay wages, they had their own estimates quoted to them, and found that the negroes would take nothing less, they probably repented their dishonesty. It is often long before these recoils come; but they do come, nevertheless. See how the Irish landlords have been punished for their rack-renting, their encouragement of middlemen, and their recklessness of popular welfare. Note, too, how for having abetted those who wronged Ireland, England has to pay a penalty in the shape of loans which are not refunded, and in the misery produced by the swarms of indigent immigrants, who tend to bring down her own people to their level. Be they committed by many or by few, breaches of equity are in the long run self-defeating. While men continue social units, they cannot transgress the life-principle of society

without disastrous consequences somehow or other coming back upon them.

Not only does the ultimate welfare of the citizen demand that he should himself conform to the moral law; it also concerns him that every one else should conform to it. This inter-dependence which the social state necessitates makes all men's business his business, in an indirect way. To people whose eyes do not wander beyond their ledgers, it seems of no consequence how the affairs of mankind go. They think they know better than to trouble themselves about public matters, making enemies and damaging their trade. Yet if they are indeed so selfish as to care nothing for their fellow-creatures while their own flesh-pots are well filled, let them learn that they have a pounds, shillings, and pence interest at stake. Mere pocket-prudence should induce them to further human welfare, if no higher motive will. Can they not see that when buying meat and bread and groceries, they have to give something towards maintaining prisons and police? Can they not see that in the price of a coat they are charged a large per-centage to cover the tailor's bad debts? Every transaction of their lives is in some way hampered by the general immorality. They feel it in the rate of interest demanded for capital, which (neglecting temporary variations) is high in proportion as men are bad.* They feel it in the amount of attorneys' bills; or in having to suffer robbery, lest the law should commit on them greater robbery. They feel it in their share of the two and a half millions a year which our metallic currency costs. They feel it in those collapses of trade which follow extensive gambling speculations. It seems to them an absurd waste of time to

* When dishonesty and improvidence are extreme, capital cannot be had under 30 to 40 per cent., as in the Burmese empire, or in England during the reign of King John.—See Mill's *Principles of Political Economy.*

help in spreading independence among men; and yet, did they call to mind how those railway-shares, which they bought at a premium, went down to a ruinous discount because the other directors cringed to a rich bully, they would learn that the prevalence of a manly spirit may become of money-value to them. They suppose themselves unconcerned in the quarrels of neighbouring nations; and yet, on examination, they will find that a Hungarian war by the loans it calls for, or a Danish blockade by its influence on our commerce, more or less remotely affects their profits, in whatever secluded nook of England they may live. Their belief is that they are not at all interested in the good Government of India; and yet a little reflection would show them that they continually suffer from those fluctuations of trade consequent on the irregular and insufficient supply of cotton from America—fluctuations which would probably have ceased, had not India been exhausted by its rulers' extravagance. Not interested? Why even the better education of the Chinese is of moment to them, for Chinese prejudice shuts out English merchants. Not interested? Why they have a stake in the making of American railways and canals, for these ultimately affect the price of bread in England. Not interested? Why the accumulation of wealth by every people on the face of the Earth concerns them; for while it is the law of capital to overflow from those places where it is abundant to those where it is scarce, rich nations can never fully enjoy the fruits of their own labour until other nations are rich. The well ordering of human affairs in the remotest communities is beneficial to all men: the ill ordering of them injurious to all men. And though the citizen may be but slightly acted upon by each particular good or evil influence at work within his own society, and still more slightly by each of those at work within other societies—although the effect on him may be infinitesimal, yet it is on the cumulative result

of myriads of these infinitesimal influences that his happiness or misery depends.

Still more clearly seen is this inter-weaving of personal interests with social interests, when we discover how essentially *vital* is the connection between each person and the society of which he is a unit. We commonly enough compare a nation to a living organism. We speak of "the body politic," of the functions of its parts, of its growth, and of its diseases, as though it were a creature. But we usually employ these expressions as metaphors, little suspecting how close is the analogy, and how far it will bear carrying out. So completely, however, is a society organized on the same system as an individual being, that we may perceive something more than analogy between them. Let us look at a few of the facts.

Observe, first, that the parallel becomes far clearer when we learn that the body of any ordinary animal is itself compounded of innumerable microscopic organisms, which possess a kind of independent vitality, which grow by imbibing nutriment from the circulating fluids, and which multiply, as the infusorial monads do, by spontaneous fission. The whole process of development, beginning with the first change in the ovum and ending with the production of an adult creature, is fundamentally a perpetual increase in the number of these cells by the mode of fissiparous generation. On the other hand, that gradual decay witnessed in old age, is in essence a cessation of this increase. During health, the vitality of these cells is subordinated to that of the system at large; and the presence of insubordinate cells implies disease. Thus, in the human being, small-pox arises from the intrusion of a species of cell foreign to that community of cells of which the body consists;—a cell which, absorbing nourishment from the blood, rapidly multiplies by spontaneous division, until its progeny have diffused themselves throughout the tissues; and if the excreting energies of the system fail to get rid of

these aliens, death ensues. In certain states of body, indigenous cells take on new forms of life; and, by continuing to reproduce their like, give origin to parasitic growths, such as cancer. Under the microscope, cancer can be identified by a specific element, known as the cancer-cell. Hence we are warranted in considering the body as a commonwealth of monads, each of which has independent powers of life, growth, and reproduction; each of which unites with a number of others to perform some function needful for supporting itself and all the rest; and each of which absorbs its share of nutriment from the blood. And when thus regarded, the analogy between an individual being and a human society, in which each man, while helping to subserve some public want, absorbs a portion of the circulating stock of commodities brought to his door, is palpable enough.

A still more remarkable fulfilment of this analogy is seen in the fact, that the different kinds of organization which society takes on, in progressing from its lowest to its highest phase of development, are similar in principle to the different kinds of animal organization. Creatures of inferior types are little more than aggregations of numerous like parts—are moulded on what Professor Owen terms the principle of vegetative repetition; and in tracing the forms assumed by successive grades above these, we find a gradual diminution in the number of like parts, and a multiplication of unlike ones. At the one extreme there are but few functions, and many similar agents to each function: at the other, there are many functions, and few similar agents to each function. Thus the visual apparatus in a fly consists of two groups of fixed lenses, numbering in some species 20,000. Every one of these lenses produces an image; but as its field of view is extremely narrow, and as there exists no power of adaptation to different distances, the vision obtained is probably very imperfect. The mammal, on the other hand, possesses but two eyes; but each of these includes numerous appendages. It is compounded of several refracting structures, having

different forms and duties. These are capable of various focal adjustments. There are muscles for directing them to the right and to the left, to the ground and to the sky. There is a curtain (the iris) to regulate the quantity of light admitted. There is a gland to secrete, a tube to pour out, and a drain to carry off, the lubricating fluid. There is a lid to wipe the surface, and there are lashes to yield shade and to give warning on the approach of foreign bodies. Now the contrast between these two kinds of visual organs is the contrast between all lower and higher types of structure. If we examine the framework employed to support the tissues, we find it consisting in the *Annelida* (the common worm, for instance) of an extended series of rings. In the *Myriapoda*, which stands next above the *Annelida*, these rings are less numerous and more dense. In the higher *Myriapoda* they are united into a comparatively few large and strong segments; while in the *Insecta* this condensation is carried still further. Speaking of analogous changes in the crustaceans, the lowest of which is constructed much as the centipede, and the highest of which (the crab) has very many of its segments united, Professor Jones says—"And even the steps whereby we pass from the Annelidan to the Myriapod, and from thence to the Insect, the Scorpion, and the Spider, seem to be repeated as we thus review the progressive development of the class before us." Mark, again, that these modifications of the exo-skeleton are paralleled by those of the endo-skeleton. The vertebræ are numerous in fish and in the ophidian reptiles. They are less numerous in the higher reptiles; less numerous still in mammals; and while their number is diminished, their forms and the functions of their appendages are varied, instead of being, as in the eel or the snake, nearly all alike. Thus, also, is it with locomotive organs. The spines of the echinus and the suckers of the star-fish are multitudinous. So likewise are the legs of the centipede. In the crustaceans we come down to fourteen, twelve, and ten; in the arachnida and insects to eight and

six; in the lower mammalia to four; and in man to two. The successive modifications of the digestive cavity are of analogous nature. Its lowest form is that of a sack with but one opening. Next it is a tube with two openings, having different offices. And in higher creatures, this tube, instead of being made up of absorbents from end to end—that is, intead of being an aggregation of like parts—is modified into many unlike ones, having different structures adapted to the different stages into which the alimentary function is now divided. Even the classification under which man, as forming the order *Bimana*, is distinguished from the most nearly related order *Quadrumana*, is based on a diminution in the number of organs which have similar forms and duties.

Now just the same coalescence of like parts and separation of unlike ones—just the same increasing sub-division of functions—takes place in the development of society. The earliest social organisms consist almost wholly of repetitions of one element. Every man is a warrior, hunter, fisherman, builder, agriculturist, toolmaker. Each portion of the community performs the same duties with every other portion; much as each slice of the polyp's body is alike stomach, muscle, skin, and lungs. Even the chiefs, in whom a tendency towards separateness of function first appears, still retain their similarity to the rest in economic respects. The next stage is distinguished by a segregation of these social units into a few distinct classes—warriors, priests, and slaves. A further advance is seen in the sundering of the labourers into different casts, having special occupations, as among the Hindoos. And, without further illustration the reader will at once perceive, that from these inferior types of society up to our own complicated and more perfect one, the progress has ever been of the same nature. While he will also perceive that this coalescence of like parts, as seen in the concentration of particular manufactures in particular districts, and this separation of agents having separate functions, as

seen in the more and more minute division of labour, are still going on.*

Significant of the alleged analogy is the further fact consequent upon the above, that the sensitiveness exhibited by societies of low and high structures differs in degree, as does the sensitiveness of similarly-contrasted creatures. That faculty possessed by inferior organisms of living on in each part after being cut in pieces, is a manifest corollary to the other peculiarity just described; namely, that they consist of many repetitions of the same elements. The ability of the several portions into which a polyp has been divided, to grow into complete polyps, obviously implies that each portion contains all the organs needful to life; and each portion can be thus constituted only when those organs recur in every part of the original body. Conversely, the reason why any member of a more highly-organized being cannot live when separated from the rest, is that it does not include all the vital elements, but is dependent for its supplies of nutriment, nervous energy, oxygen, &c., upon the members from which it has been cut off. Of course, then, the earliest and latest forms of society, being similarly distinguished in structure, will be similarly distinguished in susceptibility to injury. Hence it happens that a tribe of savages may be divided and subdivided with little or no inconvenience to the several sections. Each of these contains every element which the whole did—is just as self-sufficing, and quickly assumes the simple organization constituting an independent tribe. Hence, on the contrary, it happens, that in a community like our own, no part can be cut off or injured without all parts suffering. Annihilate the agency employed in distributing commodities, and much of the rest would die before another

* In the generalizations contained in the two above paragraphs, and in the recognition of their parallelism, may be seen the first step towards the general doctrine of Evolution. Dating back as they do to 1850, they show that this first step was taken earlier than I supposed.

distributing agency could be developed. Suddenly sever the manufacturing portion from the agricultural portion, and the one would expire outright, while the other would long linger in grievous distress. This inter-dependence is daily shown in commercial changes. Let the factory hands be put on short time, and immediately the colonial produce markets of London and Liverpool are depressed. The shopkeeper is busy or otherwise, according to the amount of the wheat crop. And a potato-blight may ruin dealers in consols.

Thus do we find, not only that the analogy between a society and a living creature is borne out to a degree quite unsuspected by those who commonly draw it, but also that the same definition of life applies to both. This union of many men into one community—this increasing mutual dependence of units which were originally independent—this gradual segregation of citizens into separate bodies with reciprocally-subservient functions—this formation of a whole consisting of unlike parts—this growth of an organism, of which one portion cannot be injured without the rest feeling it—may all be generalized under the law of individuation. The development of society, as well as the development of man and the development of life generally, may be described as a tendency to individuate—*to become a thing*. And rightly interrupted, the manifold forms of progress going on around us are uniformly significant of this tendency.

Returning now to the point whence we set out, the fact that public interests and private ones are essentially in unison, cannot fail to be more vividly realized, when so vital a connexion is found to subsist between society and its members. Though it would be dangerous to place implicit trust in conclusions founded upon the analogy just traced, yet, harmonizing as they do with conclusions deducible from every-day experience, they unquestionably enforce these. When, after observing the reactions entailed by breaches of equity, the citizen contemplates the relation in which he stands to the

body politic—when he learns that it has a species of life, and conforms to the same laws of growth and organization that a being does—when he finds that while social health, in a measure, depends on the fulfilment of some function in which he takes part, his happiness depends on the normal action of every organ in the social body—when he duly understands this; he must see that his own welfare and all men's welfare are inseparable. He must see that whatever produces a diseased state in one part of the community, must inevitably inflict injury upon all other parts. He must see that his own life can become what it should be, only as fast as society becomes what it should be. In short, he must become impressed with the salutary truth, that no one can be perfectly free till all are free; no one can be perfectly moral till all are moral; no one can be perfectly happy till all are happy.

THE END.

THE MAN

VERSUS THE STATE.

PREFACE.

THE *Westminister Review* for April, 1860, contained an article entitled "Parliamentary Reform: the Dangers and the Safeguards." In that article I ventured to predict some results of political changes then proposed.

Reduced to its simplest expression, the thesis maintained was that, unless due precautions were taken, increase of freedom in form would be followed by decrease of freedom in fact. Nothing has occurred to alter the belief I then expressed. The drift of legislation since that time has been of the kind anticipated. Dictatorial measures, rapidly multiplied, have tended continually to narrow the liberties of individuals; and have done this in a double way. Regulations have been made in yearly-growing numbers, restraining the citizen in directions where his actions were previously unchecked, and compelling actions which previously he might perform or not as he liked; and at the same time heavier public burdens, chiefly local, have further restricted his freedom, by lessening that portion of his earnings which he can spend as he pleases, and augmenting the portion taken from him to be spent as public agents please.

The causes of these foretold effects, then in operation, continue in operation—are, indeed, likely to be strengthened, and finding that the conclusions drawn respecting these causes and effects have proved true, I have been prompted to set forth and emphasize kindred conclusions respecting the

PREFACE.

THE *Westminister Review* for April, 1860, contained an article entitled "Parliamentary Reform: the Dangers and the Safeguards." In that article I ventured to predict some results of political changes then proposed.

Reduced to its simplest expression, the thesis maintained was that, unless due precautions were taken, increase of freedom in form would be followed by decrease of freedom in fact. Nothing has occurred to alter the belief I then expressed. The drift of legislation since that time has been of the kind anticipated. Dictatorial measures, rapidly multiplied, have tended continually to narrow the liberties of individuals; and have done this in a double way. Regulations have been made in yearly-growing numbers, restraining the citizen in directions where his actions were previously unchecked, and compelling actions which previously he might perform or not as he liked; and at the same time heavier public burdens, chiefly local, have further restricted his freedom, by lessening that portion of his earnings which he can spend as he pleases, and augmenting the portion taken from him to be spent as public agents please.

The causes of these foretold effects, then in operation, continue in operation—are, indeed, likely to be strengthened, and finding that the conclusions drawn respecting these causes and effects have proved true, I have been prompted to set forth and emphasize kindred conclusions respecting the

future, and do what little may be done towards awakening attention to threatened evils.

For this purpose were written the four following articles, originally published in the *Contemporary Review* for February, April, May, June and July of this year. To meet certain criticisms and to remove some of the objections likely to be raised, I have now added a postscript.

BAYSWATER, *July*, 1884.

NOTE.—The foregoing preface to the original edition of this work, issued more than seven years ago, serves equally well for the present edition. I have to add only that beyond appending in a note one important illustration, enforcing my argument, I have done nothing to this edition save making various verbal improvements, and a small correction of fact.

AVENUE ROAD, REGENT'S PARK,
January, 1892.

CONTENTS.

PAGE

I.—The New Toryism 281

II.—The Coming Slavery 302

III.—The Sins of Legislators 334

IV.—The Great Political Superstition 376

V.—Postscript 412

354
131

THE MAN *VERSUS* THE STATE.

THE NEW TORYISM.

Most of those who now pass as Liberals, are Tories of a new type. This is a paradox which I propose to justify. That I may justify it, I must first point out what the two political parties originally were; and I must then ask the reader to bear with me while I remind him of facts he is familiar with, that I may impress on him the intrinsic natures of Toryism and Liberalism properly so called.

Dating back to an earlier period than their names, the two political parties at first stood respectively for two opposed types of social organization, broadly distinguishable as the militant and the industrial—types which are characterized, the one by the *régime* of status, almost universal in ancient days, and the other by the *régime* of contract, which has become general in modern days, chiefly among the Western nations, and especially among ourselves and the Americans. If, instead of using the word "co-operation" in a limited sense, we use it in its widest sense, as signifying the combined activities of citizens under whatever system of regulation; then these two are definable as the system of compulsory co-operation and the system of voluntary co-operation. The typical structure of the one we see in an army formed of conscripts, in which the units in their several grades have to fulfil commands under pain of death, and receive food and

clothing and pay, arbitrarily apportioned; while the typical structure of the other we see in a body of producers or distributors, who severally agree to specified payments in return for specified services, and may at will, after due notice, leave the organization if they do not like it.

During social evolution in England, the distinction between these two fundamentally-opposed forms of co-operation, made its appearance gradually; but long before the names Tory and Whig came into use, the parties were becoming traceable, and their connexions with militancy and industrialism respectively, were vaguely shown. The truth is familiar that, here as elsewhere, it was habitually by town-populations, formed of workers and traders accustomed to co-operate under contract, that resistances were made to that coercive rule which characterizes co-operation under status. While, conversely, co-operation under status, arising from, and adjusted to, chronic warfare, was supported in rural districts, originally peopled by military chiefs and their dependents, where the primitive ideas and traditions survived. Moreover, this contrast in political leanings, shown before Whig and Tory principles became clearly distinguished, continued to be shown afterwards. At the period of the Revolution, "while the villages and smaller towns were monopolized by Tories, the larger cities, the manufacturing districts, and the ports of commerce, formed the strongholds of the Whigs." And that, spite of exceptions, the like general relation still exists, needs no proving.

Such were the natures of the two parties as indicated by their origins. Observe, now, how their natures were indicated by their early doctrines and deeds. Whiggism began with resistance to Charles II. and his cabal, in their efforts to re-establish unchecked monarchical power. The Whigs "regarded the monarchy as a civil institution, established by the nation for the benefit of all its members;" while with the Tories "the monarch was the delegate of heaven." And these doctrines involved the beliefs, the one that subjection

of citizen to ruler was conditional, and the other that it was unconditional. Describing Whig and Tory as conceived at the end of the seventeenth century, some fifty years before he wrote his *Dissertation on Parties*, Bolingbroke says:—

"The power and majesty of the people, and original contract, the authority and independency of Parliaments, liberty, resistance, exclusion, abdication, deposition; these were ideas associated, at that time, to the idea of a Whig, and supposed by every Whig to be incommunicable, and inconsistent with the idea of a Tory.

"Divine, hereditary, indefeasible right, lineal succession, passive obedience, prerogative, non-resistance, slavery, nay, and sometimes popery too, were associated in many minds to the idea of a Tory, and deemed incommunicable and inconsistent, in the same manner, with the idea of a Whig."—*Dissertation on Parties*, p. 5.

And if we compare these descriptions, we see that in the one party there was a desire to resist and decrease the coercive power of the ruler over the subject, and in the other party to maintain or increase his coercive power. This distinction in their aims—a distinction which transcends in meaning and importance all other political distinctions—was displayed in their early doings. Whig principles were exemplified in the Habeas Corpus Act, and in the measure by which judges were made independent of the Crown; in defeat of the Non-Resisting Test Bill, which proposed for legislators and officials a compulsory oath that they would in no case resist the king by arms; and, later, they were exemplified in the Bill of Rights, framed to secure subjects against monarchical aggressions. These Acts had the same intrinsic nature. The principle of compulsory co-operation throughout social life was weakened by them, and the principle of voluntary co-operation strengthened. That at a subsequent period the policy of the party had the same general tendency, is well shown by a remark of Mr. Green concerning the period of Whig power after the death of Anne:—

"Before the fifty years of their rule had passed, Englishmen had forgotten that it was possible to persecute for differences of religion,

or to put down the liberty of the press, or to tamper with the administration of justice, or to rule without a Parliament."—*Short History*, p. 705.

And now, passing over the war-period which closed the last century and began this, during which that extension of individual freedom previously gained was lost, and the retrograde movement towards the social type proper to militancy was shown by all kinds of coercive measures, from those which took by force the persons and property of citizens for war-purposes to those which suppressed public meetings and sought to gag the press, let us recall the general characters of those changes effected by Whigs or Liberals after the re-establishment of peace permitted revival of the industrial *régime* and return to its appropriate type of structure. Under growing Whig influence there came repeal of the laws forbidding combinations among artisans as well as of those which interfered with their freedom of travelling. There was the measure by which, under Whig pressure, Dissenters were allowed to believe as they pleased without suffering certain civil penalties; and there was the Whig measure, carried by Tories under compulsion, which enabled Catholics to profess their religion without losing part of their freedom. The area of liberty was extended by Acts which forbade the buying of negroes and the holding of them in bondage. The East India Company's monopoly was abolished, and trade with the East made open to all. The political serfdom of the unrepresented was narrowed in area, both by the Reform Bill and the Municipal Reform Bill; so that alike generally and locally, the many were less under the coercion of the few. Dissenters, no longer obliged to submit to the ecclesiastical form of marriage, were made free to wed by a purely civil rite. Later came diminution and removal of restraints on the buying of foreign commodities and the employment of foreign vessels and foreign sailors; and later still the removal of those burdens on the press, which were originally imposed to hinder the diffusion of opinion. And of all

these changes it is unquestionable that, whether made or not by Liberals themselves, they were made in conformity with principles professed and urged by Liberals.

But why do I enumerate facts so well known to all? Simply because, as intimated at the outset, it seems needful to remind everybody what Liberalism was in the past, that they may perceive its unlikeness to the so-called Liberalism of the present. It would be inexcusable to name these various measures for the purpose of pointing out the character common to them, were it not that in our day men have forgotten their common character. They do not remember that, in one or other way, all these truly Liberal changes diminished compulsory co-operation throughout social life and increased voluntary co-operation. They have forgotten that, in one direction or other, they diminished the range of governmental authority, and increased the area within which each citizen may act unchecked. They have lost sight of the truth that in past times Liberalism habitually stood for individual freedom *versus* State-coercion.

And now comes the inquiry—How is it that Liberals have lost sight of this? How is it that Liberalism, getting more and more into power, has grown more and more coercive in its legislation? How is it that, either directly through its own majorities or indirectly through aid given in such cases to the majorities of its opponents, Liberalism has to an increasing extent adopted the policy of dictating the actions of citizens, and, by consequence, diminishing the range throughout which their actions remain free? How are we to explain this spreading confusion of thought which has led it, in pursuit of what appears to be public good, to invert the method by which in earlier days it achieved public good?

Unaccountable as at first sight this unconscious change of policy seems, we shall find that it has arisen quite naturally. Given the unanalytical thought ordinarily brought to bear on political matters, and, under existing conditions, nothing else

was to be expected. To make this clear some parenthetic explanations are needful.

From the lowest to the highest creatures, intelligence progresses by acts of discrimination; and it continues so to progress among men, from the most ignorant to the most cultured. To class rightly—to put in the same group things which are of essentially the same natures, and in other groups things of natures essentially different—is the fundamental condition to right guidance of actions. Beginning with rudimentary vision, which gives warning that some large opaque body is passing near (just as closed eyes turned to the window, perceiving the shade caused by a hand put before them, tell us of something moving in front), the advance is to developed vision, which, by exactly-appreciated combinations of forms, colours, and motions, identifies objects at great distances as prey or enemies, and so makes it possible to improve the adjustments of conduct for securing food or evading death. That progressing perception of differences and consequent greater correctness of classing, constitutes, under one of its chief aspects, the growth of intelligence, is equally seen when we pass from the relatively simple physical vision to the relatively complex intellectual vision —the vision through the agency of which, things previously grouped by certain external resemblances or by certain extrinsic circumstances, come to be more truly grouped in conformity with their intrinsic structures or natures. Undeveloped intellectual vision is just as indiscriminating and erroneous in its classings as undeveloped physical vision. Instance the early arrangement of plants into the groups, trees, shrubs, and herbs: size, the most conspicuous trait, being the ground of distinction; and the assemblages formed being such as united many plants extremely unlike in their natures, and separated others that are near akin. Or still better, take the popular classification which puts together under the same general name, fish and shell-fish, and under

the sub-name, shell-fish, puts together crustaceans and molluscs; nay, which goes further, and regards as fish the cetacean mammals. Partly because of the likeness in their modes of life as inhabiting the water, and partly because of some general resemblance in their flavours, creatures that are in their essential natures far more widely separated than a fish is from a bird, are associated in the same class and in the same sub-class.

Now the general truth thus exemplified, holds throughout those higher ranges of intellectual vision concerned with things not presentable to the senses, and, among others, such things as political institutions and political measures. For when thinking of these, too, the results of inadequate intellectual faculty, or inadequate culture of it, or both, are erroneous classings and consequent erroneous conclusions. Indeed, the liability to error is here much greater; since the things with which the intellect is concerned do not admit of examination in the same easy way. You cannot touch or see a political institution: it can be known only by an effort of constructive imagination. Neither can you apprehend by physical perception a political measure: this no less requires a process of mental representation by which its elements are put together in thought, and the essential nature of the combination conceived. Here, therefore, still more than in the cases above named, defective intellectual vision is shown in grouping by external characters, or extrinsic circumstances. How institutions are wrongly classed from this cause, we see in the common notion that the Roman Republic was a popular form of government. Look into the early ideas of the French revolutionists who aimed at an ideal state of freedom, and you find that the political forms and deeds of the Romans were their models; and even now a historian might be named who instances the corruptions of the Roman Republic as showing us what popular government leads to. Yet the resemblance between the institutions of the Romans and free institutions properly so-called, was less than that between a

shark and a porpoise—a resemblance of general external form accompanying widely different internal structures. For the Roman Government was that of a small oligarchy within a larger oligarchy: the members of each being unchecked autocrats. A society in which the relatively few men who had political power, and were in a qualified sense free, were so many petty despots, holding not only slaves and dependents but even children in a bondage no less absolute than that in which they held their cattle, was, by its intrinsic nature, more nearly allied to an ordinary despotism than to a society of citizens politically equal.

Passing now to our special question, we may understand the kind of confusion in which Liberalism has lost itself: and the origin of those mistaken classings of political measures which have misled it—classings, as we shall see, by conspicuous external traits instead of by internal natures. For what, in the popular apprehension and in the apprehension of those who effected them, were the changes made by Liberals in the past? They were abolitions of grievances suffered by the people, or by portions of them: this was the common trait they had which most impressed itself on men's minds. They were mitigations of evils which had directly or indirectly been felt by large classes of citizens, as causes to misery or as hindrances to happiness. And since, in the minds of most, a rectified evil is equivalent to an achieved good, these measures came to be thought of as so many positive benefits; and the welfare of the many came to be conceived alike by Liberal statesmen and Liberal voters as the aim of Liberalism. Hence the confusion. The gaining of a popular good, being the external conspicuous trait common to Liberal measures in earlier days (then in each case gained by a relaxation of restraints), it has happened that popular good has come to be sought by Liberals, not as an end to be indirectly gained by relaxations of restraints, but as the end to be directly gained. And seeking to gain it directly, they have used methods intrinsically opposed to those originally used.

And now, having seen how this reversal of policy has arisen (or partial reversal, I should say, for the recent Burials Act and the efforts to remove all remaining religious inequalities, show continuance of the original policy in certain directions), let us proceed to contemplate the extent to which it has been carried during recent times, and the still greater extent to which the future will see it carried if current ideas and feelings continue to predominate.

Before proceeding, it may be well to say that no reflections are intended on the motives which prompted one after another of these various restraints and dictations. These motives were doubtless in nearly all cases good. It must be admitted that the restrictions placed by an Act of 1870, on the employment of women and children in Turkey-red dyeing works, were, in intention, no less philanthropic than those of Edward VI., which prescribed the minimum time for which a journeymen should be retained. Without question, the Seed Supply (Ireland) Act of 1880, which empowered guardians to buy seed for poor tenants, and then to see it properly planted, was moved by a desire for public welfare no less great than that which in 1533 prescribed the number of sheep a tenant might keep, or that of 1597, which commanded that decayed houses of husbandry should be rebuilt. Nobody will dispute that the various measures of late years taken for restricting the sale of intoxicating liquors, have been taken as much with a view to public morals as were the measures taken of old for checking the evils of luxury; as, for instance, in the fourteenth century, when diet as well as dress was restricted. Everyone must see that the edicts issued by Henry VIII. to prevent the lower classes from playing dice, cards, bowls, &c., were not more prompted by desire for popular welfare than were the acts passed of late to check gambling.

Further, I do not intend here to question the wisdom of these modern interferences, which Conservatives and Liberals

vie with one and other in multiplying, any more than to question the wisdom of those ancient ones which they in many cases resemble. We will not now consider whether the plans of late adopted for preserving the lives of sailors, are or are not more judicious than that sweeping Scotch measure which, in the middle of the fifteenth century, prohibited captains from leaving harbor during the winter. For the present, it shall remain undebated whether there is a better warrant for giving sanitary officers powers to search certain premises for unfit food, than there was for the law of Edward III., under which innkeepers at seaports were sworn to search their guests to prevent the exportation of money or plate. We will assume that there is no less sense in that clause of the Canal-boat Act, which forbids an owner to board gratuitously the children of the boatmen, than there was in the Spitalfields Acts, which, up to 1824, for the benefit of the artisans, forbade the manufacturers to fix their factories more than ten miles from the Royal Exchange.

We exclude, then, these questions of philanthropic motive and wise judgment, taking both of them for granted; and have here to concern ourselves solely with the compulsory nature of the measures which, for good or evil as the case may be, have been put in force during periods of Liberal ascendency.

To bring the illustrations within compass, let us commence with 1860, under the second administration of Lord Palmerston. In that year, the restrictions of the Factories Act were extended to bleaching and dyeing works; authority was given to provide analysts of food and drink, to be paid out of local rates; there was an Act providing for inspection of gas-works, as well as for fixing quality of gas and limiting price; there was the Act which, in addition to further mine-inspection, made it penal to employ boys under twelve not attending school and unable to read and write. In 1861 occurred an extension of the compulsory provisions of the Factories Act to lace-works; power was given to poor

law guardians, &c., to enforce vaccination; local boards were authorized to fix rates of hire for horses, ponies, mules, asses, and boats; and certain locally-formed bodies had given to them powers of taxing the locality for rural drainage and irrigation works, and for supplying water to cattle. In 1862 an Act was passed for restricting the employment of women and children in open-air bleaching; and an Act for making illegal a coal-mine with a single shaft, or with shafts separated by less than a specified space; as well as an Act giving the Council of Medical Education the exclusive right to publish a Pharmacopœia, the price of which is to be fixed by the Treasury. In 1863 came the extension of compulsory vaccination to Scotland, and also to Ireland; there came the empowering of certain boards to borrow money repayable from the local rates, to employ and pay those out of work; there came the authorizing of town-authorities to take possession of neglected ornamental spaces, and rate the inhabitants for their support; there came the Bakehouses Regulation Act, which, besides specifying minimum age of employés occupied between certain hours, prescribed periodical lime-washing, three coats of paint when painted, and cleaning with hot water and soap at least once in six months; and there came also an Act giving a magistrate authority to decide on the wholesomeness or unwholesomeness of food brought before him by an inspector. Of compulsory legislation dating from 1864, may be named an extension of the Factories Act to various additional trades, including regulations for cleansing and ventilation, and specifying of certain employés in match-works, that they might not take meals on the premises except in the wood-cutting places. Also there were passed a Chimney-Sweepers Act, an Act for further regulating the sale of beer in Ireland, an Act for compulsory testing of cables and anchors, an Act extending the Public Works Act of 1863, and the Contagious Diseases Act: which last gave the police, in specified places, powers which, in respect of certain classes of women, abolished sundry of those safeguards to individual

freedom established in past times. The year 1865 witnessed further provision for the reception and temporary relief of wanderers at the cost of ratepayers; another public-house closing Act; and an Act making compulsory regulations for extinguishing fires in London. Then, under the Ministry of Lord John Russell, in 1866, have to be named an Act to regulate cattle-sheds, &c., in Scotland, giving local authorities powers to inspect sanitary conditions and fix the numbers of cattle; an Act forcing hop-growers to label their bags with the year and place of growth and the true weight, and giving police powers of search; an Act to facilitate the building of lodging-houses in Ireland, and providing for regulation of the inmates; a Public Health Act, under which there is registration of lodging-houses and limitation of occupants, with inspection and directions for lime-washing, &c., and a Public Libraries Act, giving local powers by which a majority can tax a minority for their books.

Passing now to the legislation under the first Ministry of Mr. Gladstone, we have, in 1869, the establishment of State-telegraphy, with the accompanying interdict on telegraphing through any other agency; we have the empowering a Secretary of State to regulate hired conveyances in London; we have further and more stringent regulations to prevent cattle-diseases from spreading, another Beerhouse Regulation Act, and a Sea-birds Preservation Act (ensuring greater mortality of fish). In 1870 we have a law authorizing the Board of Public Works to make advances for landlords' improvements and for purchase by tenants; we have the Act which enables the Education Department to form school-boards which shall purchase sites for schools, and may provide free schools supported by local rates, and enabling school-boards to pay a child's fees, to compel parents to send their children, &c., &c.; we have a further Factories and Workshops Act, making, among other restrictions, some on the employment of women and children in fruit-preserving and fish-curing works. In 1871 we met with an amended Merchant Shipping Act,

directing officers of the Board of Trade to record the draught of sea-going vessels leaving port; there is another Factory and Workshops Act, making further restrictions; there is a Pedlars Act, inflicting penalties for hawking without a certificate, and limiting the district within which the certificate holds as well as giving the police power to search pedlars' packs; and there are further measures for enforcing vaccination. The year 1872 had, among other Acts, one which makes it illegal to take for hire more than one child to nurse, unless in a house registered by the authorities, who prescribe the number of infants to be received; it had a Licensing Act, interdicting sale of spirits to those apparently under sixteen; and it had another Merchant Shipping Act, establishing an annual survey of passenger steamers. Then in 1873 was passed the Agricultural Children's Act, which makes it penal for a farmer to employ a child who has neither certificate of elementary education nor of certain prescribed school-attendances; and there was passed a Merchant Shipping Act, requiring on each vessel a scale showing draught and giving the Board of Trade power to fix the numbers of boats and life-saving appliances to be carried.

Turn now to Liberal law-making under the present Ministry. We have, in 1880, a law which forbids conditional advance-notes in payment of sailors' wages; also a law which dictates certain arrangements for the safe carriage of grain-cargoes; also a law increasing local coercion over parents to send their children to school. In 1881 comes legislation to prevent trawling over clam-beds and bait-beds, and an interdict making it impossible to buy a glass of beer on Sunday in Wales. In 1882 the Board of Trade was authorized to grant licences to generate and sell electricity, and municipal bodies were enabled to levy rates for electric-lighting: further exactions from ratepayers were authorized for facilitating more accessible baths and washhouses; and local authorities were empowered to make bye-laws for securing the decent lodging of persons engaged in picking fruit and vegetables. Of such

legislation during 1883 may be named the Cheap Trains Act, which, partly by taxing the nation to the extent of £400,000 a year (in the shape of relinquished passenger duty), and partly at the cost of railway-proprietors, still further cheapens travelling for workmen: the Board of Trade, through the Railway Commissioners, being empowered to ensure sufficiently good and frequent accommodation. Again, there is the Act which, under penalty of £10 for disobedience, forbids the payment of wages to workmen at or within public-houses; there is another Factory and Workshops Act, commanding inspection of white lead works (to see that there are provided overalls, respirators, baths, acidulated drinks, &c.) and of bakehouses, regulating times of employment in both, and prescribing in detail some constructions for the last, which are to be kept in a condition satisfactory to the inspectors.

But we are far from forming an adequate conception if we look only at the compulsory legislation which has actually been established of late years. We must look also at that which is advocated, and which threatens to be far more sweeping in range and stringent in character. We have lately had a Cabinet Minister, one of the most advanced Liberals, so-called, who pooh-poohs the plans of the late Government for improving industrial dwellings as so much "tinkering;" and contends for effectual coercion to be exercised over owners of small houses, over land-owners, and over ratepayers. Here is another Cabinet Minister who, addressing his constituents, speaks slightingly of the doings of philanthropic societies and religious bodies to help the poor, and says that "the whole of the people of this country ought to look upon this work as being their own work:" that is to say, some extensive Government measure is called for. Again, we have a Radical member of Parliament who leads a large and powerful body, aiming with annually-increasing promise of success, to enforce sobriety by giving to local majorities powers to prevent freedom of exchange in respect of certain commodities. Regulation of the hours of

labour for certain classes, which has been made more and more general by successive extensions of the Factories Acts, is likely now to be made still more general: a measure is to be proposed bringing the employés in all shops under such regulation. There is a rising demand, too, that education shall be made gratis (*i. e.*, tax-supported), for all. The payment of school-fees is beginning to be denounced as a wrong: the State must take the whole burden. Moreover, it is proposed by many that the State, regarded as an undoubtedly competent judge of what constitutes good education for the poor, shall undertake also to prescribe good education for the middle classes—shall stamp the children of these, too, after a State pattern, concerning the goodness of which they have no more doubt than the Chinese had when they fixed theirs. Then there is the "endowment of research," of late energetically urged. Already the Government gives every year the sum of £4,000 for this purpose, to be distributed through the Royal Society; and, in the absence of those who have strong motives for resisting the pressure of the interested, backed by those they easily persuade, it may by-and-by establish that paid "priesthood of science" long ago advocated by Sir David Brewster. Once more, plausible proposals are made that there should be organized a system of compulsory insurance, by which men during their early lives shall be forced to provide for the time when they will be incapacitated.

Nor does enumeration of these further measures of coercive rule, looming on us near at hand or in the distance, complete the account. Nothing more than cursory allusion has yet been made to that accompanying compulsion which takes the form of increased taxation, general and local. Partly for defraying the costs of carrying out these ever-multiplying sets of regulations, each of which requires an additional staff of officers, and partly to meet the outlay for new public institutions, such as board-schools, free libraries, public museums, baths and washhouses, recreation grounds, &c., &c., local rates

are year after year increased; as the general taxation is increased by grants for education and to the departments of science and art, &c. Every one of these involves further coercion—restricts still more the freedom of the citizen. For the implied address accompanying every additional exaction is—"Hitherto you have been free to spend this portion of your earnings in any way which pleased you; hereafter you shall not be free so to spend it, but we will spend it for the general benefit." Thus, either directly or indirectly, and in most cases both at once, the citizen is at each further stage in the growth of this compulsory legislation, deprived of some liberty which he previously had.

Such, then, are the doings of the party which claims the name of Liberal; and which calls itself Liberal as being the advocate of extended freedom!

I doubt not that many a member of the party has read the preceding section with impatience: wanting, as he does, to point out an immense oversight which he thinks destroys the validity of the argument. "You forget," he wishes to say, "the fundamental difference between the power which, in the past, established those restraints that Liberalism abolished, and the power which, in the present, establishes the restraints you call anti-Liberal. You forget that the one was an irresponsible power, while the other is a responsible power. You forget that if by the recent legislation of Liberals, people are variously regulated, the body which regulates them is of their own creating, and has their warrant for its acts."

My answer is, that I have not forgotten this difference, but am prepared to contend that the difference is in large measure irrelevant to the issue.

In the first place, the real issue is whether the lives of citizens are more interfered with than they were; not the nature of the agency which interferes with them. Take a simpler case. A member of a trades' union has joined others in establishing an organization of a purely representative

character. By it he is compelled to strike if a majority so decide; he is forbidden to accept work save under the conditions they dictate; he is prevented from profiting by his superior ability or energy to the extent he might do were it not for their interdict. He cannot disobey without abandoning those pecuniary benefits of the organization for which he has subscribed, and bringing on himself the persecution, and perhaps violence, of his fellows. Is he any the less coerced because the body coercing him is one which he had an equal voice with the rest in forming?

In the second place, if it be objected that the analogy is faulty, since the governing body of a nation, to which, as protector of the national life and interests, all must submit under penalty of social disorganization, has a far higher authority over citizens than the government of any private organization can have over its members; then the reply is that, granting the difference, the answer made continues valid. If men use their liberty in such a way as to surrender their liberty, are they thereafter any the less slaves? If people by a *plebiscite* elect a man despot over them, do they remain free because the despotism was of their own making? Are the coercive edicts issued by him to be regarded as legitimate because they are the ultimate outcome of their own votes? As well might it be argued that the East African, who breaks a spear in another's presence that he may so become bondsman to him, still retains his liberty because he freely chose his master.

Finally if any, not without marks of irritation as I can imagine, repudiate this reasoning, and say that there is no true parallelism between the relation of people to government where an irresponsible single ruler has been permanently elected, and the relation where a responsible representative body is maintained, and from time to time re-elected; then there comes the ultimate reply—an altogether heterodox reply—by which most will be greatly astonished. This reply is, that these multitudinous restraining acts are

not defensible on the ground that they proceed from a popularly-chosen body; for that the authority of a popularly-chosen body is no more to be regarded as an unlimited authority than the authority of a monarch; and that as true Liberalism in the past disputed the assumption of a monarch's unlimited authority, so true Liberalism in the present will dispute the assumption of unlimited parliamentary authority. Of this, however, more anon. Here I merely indicate it as an ultimate answer.

Meanwhile it suffices to point out that until recently, just as of old, true Liberalism was shown by its acts to be moving towards the theory of a limited parliamentary authority. All these abolitions of restraints over religious beliefs and observances, over exchange and transit, over trade-combinations and the travelling of artisans, over the publication of opinions, theological or political, &c., &c., were tacit assertions of the desirableness of limitation. In the same way that the abandonment of sumptuary laws, of laws forbidding this or that kind of amusement, of laws dictating modes of farming, and many others of like meddling nature, which took place in early days, was an implied admission that the State ought not to interfere in such matters; so those removals of hindrances to individual activities of one or other kind, which the Liberalism of the last generation effected, were practical confessions that in these directions, too, the sphere of governmental action should be narrowed. And this recognition of the propriety of restricting governmental action was a preparation for restricting it in theory. One of the most familiar political truths is that, in the course of social evolution, usage precedes law; and that when usage has been well established it becomes law by receiving authoritative endorsement and defined form. Manifestly then, Liberalism in the past, by its practice of limitation, was preparing the way for the principle of limitation.

But returning from these more general considerations to the special question, I emphasize the reply that the liberty

which a citizen enjoys is to be measured, not by the nature of the governmental machinery he lives under, whether representative or other, but by the relative paucity of the restraints it imposes on him; and that, whether this machinery is or is not one he shared in making, its actions are not of the kind proper to Liberalism if they increase such restraints beyond those which are needful for preventing him from directly or indirectly aggressing on his fellows—needful, that is, for maintaining the liberties of his fellows against his invasions of them: restraints which are, therefore, to be distinguished as negatively coercive, not positively coercive.

Probably, however, the Liberal, and still more the subspecies Radical, who more than any other in these latter days seems under the impression that so long as he has a good end in view he is warranted in exercising over men all the coercion he is able, will continue to protest. Knowing that his aim is popular benefit of some kind, to be achieved in some way, and believing that the Tory is, contrariwise, prompted by class-interest and the desire to maintain class-power, he will regard it as palpably absurd to group him as one of the same genus, and will scorn the reasoning used to prove that he belongs to it.

Perhaps an analogy will help him to see its validity. If, away in the far East, where personal government is the only form of government known, he heard from the inhabitants an account of a struggle by which they had deposed a cruel and vicious despot, and put in his place one whose acts proved his desire for their welfare—if, after listening to their self-gratulations, he told them that they had not essentially changed the nature of their government, he would greatly astonish them; and probably he would have difficulty in making them understand that the substitution of a benevolent despot for a malevolent despot, still left the government a despotism. Similarly with Toryism as rightly conceived. Standing as it does for coercion by the State *versus* the

freedom of the individual? Toryism remains Toryism, whether it extends this coercion for selfish or unselfish reasons. As certainly as the despot is still a despot, whether his motives for arbitrary rule are good or bad; so certainly is the Tory still a Tory, whether he has egoistic or altruistic motives for using State-power to restrict the liberty of the citizen, beyond the degree required for maintaining the liberties of other citizens. The altruistic Tory as well as the egoistic Tory belongs to the genus Tory; though he forms a new species of the genus. And both stand in distinct contrast with the Liberal as defined in the days when Liberals were rightly so called, and when the definition was—"one who advocates greater freedom from restraint, especially in political institutions."

Thus, then, is justified the paradox I set out with. As we have seen, Toryism and Liberalism originally emerged, the one from militancy and the other from industrialism. The one stood for the *régime* of status and the other for the *régime* of contract—the one for that system of compulsory co-operation which accompanies the legal inequality of classes, and the other for that voluntary co-operation which accompanies their legal equality; and beyond all question the early acts of the two parties were respectively for the maintenance of agencies which effect this compulsory co-operation, and for the weakening or curbing of them. Manifestly the implication is that, in so far as it has been extending the system of compulsion, what is now called Liberalism is a new form of Toryism.

How truly this is so, we shall see still more clearly on looking at the facts the other side upwards, which we will presently do.

NOTE.—By sundry newspapers which noticed this article when it was originally published, the meaning of the above paragraphs was supposed to be that Liberals and Tories have

changed places. This, however, is by no means the implication. A new species of Tory may arise without disappearance of the original species. When saying, as on page 289, that in our days "Conservatives and Liberals vie with one another in multiplying" interferences, I clearly implied the belief that while Liberals have taken to coercive legislation, Conservatives have not abandoned it. Nevertheless, it is true that the laws made by Liberals are so greatly increasing the compulsions and restraints exercised over citizens, that among Conservatives who suffer from this aggressiveness there is growing up a tendency to resist it. Proof is furnished by the fact that the "Liberty and Property Defense League," largely consisting of Conservatives, has taken for its motto "Individualism *versus* Socialism." So that if the present drift of things continues, it may by and by really happen that the Tories will be defenders of liberties which the Liberals, in pursuit of what they think popular welfare, trample under foot.

THE COMING SLAVERY.

The kinship of pity to love is shown among other ways in this, that it idealizes its object. Sympathy with one in suffering suppresses, for the time being, remembrance of his transgressions. The feeling which vents itself in "poor fellow!" on seeing one in agony, excludes the thought of "bad fellow," which might at another time arise. Naturally, then, if the wretched are unknown or but vaguely known, all the demerits they may have are ignored; and thus it happens that when the miseries of the poor are dilated upon, they are thought of as the miseries of the deserving poor, instead of being thought of as the miseries of the undeserving poor, which in large measure they should be. Those whose hardships are set forth in pamphlets and proclaimed in sermons and speeches which echo throughout society, are assumed to be all worthy souls, grievously wronged; and none of them are thought of as bearing the penalties of their misdeeds.

On hailing a cab in a London street, it is surprising how frequently the door is officiously opened by one who expects to get something for his trouble. The surprise lessens after counting the many loungers about tavern-doors, or after observing the quickness with which a street-performance, or procession, draws from neighbouring slums and stable-yards a group of idlers. Seeing how numerous they are in every small area, it becomes manifest that tens of thousands of such swarm through London. "They have no work," you

say. Say rather that they either refuse work or quickly turn themselves out of it. They are simply good-for-nothings, who in one way or other live on the good-for-somethings—vagrants and sots, criminals and those on the way to crime, youths who are burdens on hard-worked parents, men who appropriate the wages of their wives, fellows who share the gains of prostitutes; and then, less visible and less numerous, there is a corresponding class of women.

Is it natural that happiness should be the lot of such? or is it natural that they should bring unhappiness on themselves and those connected with them? Is it not manifest that there must exist in our midst an immense amount of misery which is a normal result of misconduct, and ought not to be dissociated from it? There is a notion, always more or less prevalent and just now vociferously expressed, that all social suffering is removable, and that it is the duty of somebody or other to remove it. Both these beliefs are false. To separate pain from ill-doing is to fight against the constitution of things, and will be followed by far more pain. Saving men from the natural penalties of dissolute living, eventually necessitates the infliction of artificial penalties in solitary cells, on tread-wheels, and by the lash. I suppose a dictum on which the current creed and the creed of science are at one, may be considered to have as high an authority as can be found. Well, the command "if any would not work neither should he eat," is simply a Christian enunciation of that universal law of Nature under which life has reached its present height—the law that a creature not energetic enough to maintain itself must die: the sole difference being that the law which in the one case is to be artificially enforced, is, in the other case, a natural necessity. And yet this particular tenet of their religion which science so manifestly justifies, is the one which Christians seem least inclined to accept. The current assumption is that there should be no suffering, and that society is to blame for that which exists.

"But surely we are not without responsibilities, even when the suffering is that of the unworthy?"

If the meaning of the word "we" be so expanded as to include with ourselves our ancestors, and especially our ancestral legislators, I agree. I admit that those who made and modified, and administered, the old Poor Law, were responsible for producing an appalling amount of demoralization, which it will take more than one generation to remove. I admit, too, the partial responsibility of recent and present law-makers for regulations which have brought into being a permanent body of tramps, who ramble from union to union; and also their responsibility for maintaining a constant supply of felons by sending back convicts into society under such conditions that they are almost compelled again to commit crimes. Moreover, I admit that the philanthropic are not without their share of responsibility; since, that they may aid the offspring of the unworthy, they disadvantage the offspring of the worthy through burdening their parents by increased local rates. Nay, I even admit that these swarms of good-for-nothings, fostered and multiplied by public and private agencies, have, by sundry mischievous meddlings, been made to suffer more than they would otherwise have suffered. Are these the responsibilities meant? I suspect not.

But now, leaving the question of responsibilities, however conceived, and considering only the evil itself, what shall we say of its treatment? Let me begin with a fact.

A late uncle of mine, the Rev. Thomas Spencer, for some twenty years incumbent of Hinton Charterhouse, near Bath, no sooner entered on his parish duties than he proved himself anxious for the welfare of the poor, by establishing a school, a library, a clothing club, and land-allotments, besides building some model cottages. Moreover, up to 1833 he was a pauper's friend—always for the pauper against the overseer.

There presently came, however, the debates on the Poor

Law, which impressed him with the evils of the system then in force. Though an ardent philanthropist he was not a timid sentimentalist. The result was that, immediately the New Poor Law was passed, he proceeded to carry out its provisions in his parish. Almost universal opposition was encountered by him: not the poor only being his opponents, but even the farmers on whom came the burden of heavy poor-rates. For, strange to say, their interests had become apparently identified with the maintenance of this system which taxed them so largely. The explanation is that there had grown up the practice of paying out of the rates a part of the wages of each farm-servant—"make-wages," as the sum was called. And though the farmers contributed most of the fund from which "make-wages" were paid, yet, since all other ratepayers contributed, the farmers seemed to gain by the arrangement. My uncle, however, not easily deterred, faced all this opposition and enforced the law. The result was that in two years the rates were reduced from £700 a year to £200 a year; while the condition of the parish was greatly improved. "Those who had hitherto loitered at the corners of the streets, or at the doors of the beer-shops, had something else to do, and one after another they obtained employment;" so that out of a population of 800, only 15 had to be sent as incapable paupers to the Bath Union (when that was formed), in place of the 100 who received out-door relief a short time before. If it be said that the £25 telescope which, a few years after, his parishioners presented to my uncle, marked the gratitude of the ratepayers only; then my reply is the fact that when, some years later still, having killed himself by overwork in pursuit of popular welfare, he was taken to Hinton to be buried, the procession which followed him to the grave included not the well-to-do only but the poor.

Several motives have prompted this brief narrative. One is the wish to prove that sympathy with the people and self-sacrificing efforts on their behalf, do not necessarily imply

approval of gratuitous aids. Another is the desire to show that benefit may result, not from multiplication of artificial appliances to mitigate distress, but, contrariwise, from diminution of them. And a further purpose I have in view is that of preparing the way for an analogy.

Under another form and in a different sphere, we are now yearly extending a system which is identical in nature with the system of "make-wages" under the old Poor Law. Little as politicians recognize the fact, it is nevertheless demonstrable that these various public appliances for working-class comfort, which they are supplying at the cost of ratepayers, are intrinsically of the same nature as those which, in past times, treated the farmer's man as half-labourer and half-pauper. In either case the worker receives in return for what he does, money wherewith to buy certain of the things he wants; while, to procure the rest of them for him, money is furnished out of a common fund raised by taxes. What matters it whether the things supplied by ratepayers for nothing, instead of by the employer in payment, are of this kind or that kind? the principle is the same. For sums received let us substitute the commodities and benefits purchased; and then see how the matter stands. In old Poor-Law times, the farmer gave for work done the equivalent, say of house-rent, bread, clothes, and fire; while the ratepayers practically supplied the man and his family with their shoes, tea, sugar, candles, a little bacon, &c. The division is, of course, arbitrary; but unquestionably the farmer and the ratepayers furnished these things between them. At the present time the artisan receives from his employer in wages, the equivalent of the consumable commodities he wants; while from the public comes satisfaction for others of his needs and desires. At the cost of ratepayers he has in some cases, and will presently have in more, a house at less than its commercial value; for of course when, as in Liverpool, a municipality spends nearly £200,000 in pulling down and reconstructing low-class dwellings, and is about to spend as

much again, the implication is that in some way the ratepayers supply the poor with more accommodation than the rents they pay would otherwise have brought. The artisan further receives from them, in schooling for his children, much more than he pays for; and there is every probability that he will presently receive it from them gratis. The ratepayers also satisfy what desire he may have for books and newspapers, and comfortable places to read them in. In some cases too, as in Manchester, gymnasia for his children of both sexes, as well as recreation grounds, are provided. That is to say, he obtains from a fund raised by local taxes, certain benefits beyond those which the sum received for his labour enables him to purchase. The sole difference, then, between this system and the old system of "make-wages," is between the kinds of satisfactions obtained; and this difference does not in the least affect the nature of the arrangement.

Moreover, the two are pervaded by substantially the same illusion. In the one case, as in the other, what looks like a gratis benefit is not a gratis benefit. The amount which, under the old Poor Law, the half-pauperized labourer received from the parish to eke out his weekly income, was not really, as it appeared, a bonus; for it was accompanied by a substantially-equivalent decrease of his wages, as was quickly proved when the system was abolished and the wages rose. Just so is it with these seeming boons received by working people in towns. I do not refer only to the fact that they unawares pay in part through the raised rents of their dwellings (when they are not actual ratepayers); but I refer to the fact that the wages received by them are, like the wages of the farm-labourer, diminished by these public burdens falling on employers. Read the accounts coming of late from Lancashire concerning the cotton-strike, containing proofs, given by artisans themselves, that the margin of profit is so narrow that the less skilful manufacturers, as well as those with deficient capital, fail, and that the companies of co-

operators who compete with them can rarely hold their own; and then consider what is the implication respecting wages. Among the costs of production have to be reckoned taxes, general and local. If, as in our large towns, the local rates now amount to one-third of the rental or more—if the employer has to pay this, not on his private dwelling only, but on his business-premises, factories, warehouses, or the like; it results that the interest on his capital must be diminished by that amount, or the amount must be taken from the wages-fund, or partly one and partly the other. And if competition among capitalists in the same business, and in other businesses, has the effect of so keeping down interest that while some gain others lose, and not a few are ruined—if capital, not getting adequate interest, flows elsewhere and leaves labour unemployed; then it is manifest that the choice for the artisan under such conditions, lies between diminished amount of work and diminished rate of payment for it. Moreover, for kindred reasons these local burdens raise the costs of the things he consumes. The charges made by distributors are, on the average, determined by the current rates of interest on capital used in distributing businesses; and the extra costs of carrying on such businesses have to be paid for by extra prices. So that as in the past the rural worker lost in one way what he gained in another, so in the present does the urban worker: there being, too, in both cases, the loss entailed on him by the cost of administration and the waste accompanying it.

"But what has all this to do with 'the coming slavery'?" will perhaps be asked. Nothing directly, but a good deal indirectly, as we shall see after yet another preliminary section.

It is said that when railways were first opened in Spain, peasants standing on the tracks were not unfrequently run over; and that the blame fell on the engine-drivers for not stopping: rural experiences having yielded no conception

of the momentum of a large mass moving at a high velocity.

The incident is recalled to me on contemplating the ideas of the so-called "practical" politician, into whose mind there enters no thought of such a thing as political momentum, still less of a political momentum which, instead of diminishing or remaining constant, increases. The theory on which he daily proceeds is that the change caused by his measure will stop where he intends it to stop. He contemplates intently the things his act will achieve, but thinks little of the remoter issues of the movement his act sets up, and still less its collateral issues. When, in war-time, "food for powder" was to be provided by encouraging population—when Mr. Pitt said, "Let us make relief in cases where there are a number of children a matter of right and honour, instead of a ground for opprobrium and contempt;" * it was not expected that the poor-rates would be quadrupled in fifty years, that women with many bastards would be preferred as wives to modest women, because of their incomes from the parish, and that hosts of ratepayers would be pulled down into the ranks of pauperism. Legislators who in 1833 voted £30,000 a year to aid in building school-houses, never supposed that the step they then took would lead to forced contributions, local and general, now amounting to £6,000,000; † they did not intend to establish the principle that A should be made responsible for educating B's offspring; they did not dream of a compulsion which would deprive poor widows of the help of their elder children; and still less did they dream that their successors, by requiring impoverished parents to apply to Boards of Guardians to pay the fees which School Boards would not remit, would initiate a habit of applying to Boards of Guardians and so cause pauperization.‡

* Hansard's *Parliamentary History*, 32, p. 710

† Since this was written the sum has risen to £10,000,000; *i.e.*, in 1890.

‡ *Fortnightly Review*, January, 1884, p. 17.

Neither did those who in 1834 passed an Act regulating the labour of women and children in certain factories, imagine that the system they were beginning would end in the restriction and inspection of labour in all kinds of producing establishments where more than fifty people are employed; nor did they conceive that the inspection provided would grow to the extent of requiring that before a "young person" is employed in a factory, authority must be given by a certifying surgeon, who, by personal examination (to which no limit is placed) has satisfied himself that there is no incapacitating disease or bodily infirmity: his verdict determining whether the "young person" shall earn wages or not.* Even less, as I say, does the politician who plumes himself on the practicalness of his aims, conceive the indirect results which will follow the direct results of his measures. Thus, to take a case connected with one named above, it was not intended through the system of "payment by results," to do anything more than give teachers an efficient stimulus: it was not supposed that in numerous cases their health would give way under the stimulus; it was not expected that they would be led to adopt a cramming system and to put undue pressure on dull and weak children, often to their great injury; it was not foreseen that in many cases a bodily enfeeblement would be caused which no amount of grammar and geography can compensate for.† The licensing of public-houses was simply for maintaining public order: those who devised it never imagined that there would result an organized interest powerfully influencing elections in an unwholesome way. Nor did it occur to the "practical" politicians who provided a compulsory load-line for merchant vessels, that the pressure of ship-owners' interests would

* Factories and Workshops Act, 41 and 42 Vic., cap. 16.

† Since this was written, these mischiefs have come to be recognized, and the system is in course of abandonment; but not one word is said about the immense injury the Government has inflicted on millions of children during the last 20 years!

habitually cause the putting of the load-line at the very highest limit, and that from precedent to precedent, tending ever in the same direction, the load-line would gradually rise in the better class of ships; as from good authority I learn that it has already done. Legislators who, some forty years ago, by Act of Parliament compelled railway-companies to supply cheap locomotion, would have ridiculed the belief, had it been expressed, that eventually their Act would punish the companies which improved the supply; and yet this was the result to companies which began to carry third-class passengers by fast trains; since a penalty to the amount of the passenger-duty was inflicted on them for every third-class passenger so carried. To which instance concerning railways, add a far more striking one disclosed by comparing the railway policies of England and France. The law-makers who provided for the ultimate lapsing of French railways to the State, never conceived the possibility that inferior travelling facilities would result—did not foresee that reluctance to depreciate the value of property eventually coming to the State, would negative the authorization of competing lines, and that in the absence of competing lines locomotion would be relatively costly, slow, and infrequent; for, as Sir Thomas Farrer has lately shown, the traveller in England has great advantages over the French traveller in the economy, swiftness, and frequency with which his journeys can be made.

But the "practical" politician who, in spite of such experiences repeated generation after generation, goes on thinking only of proximate results, naturally never thinks of results still more remote, still more general, and still more important than those just exemplified. To repeat the metaphor used above—he never asks whether the political momentum set up by his measure, in some cases decreasing but in other cases greatly increasing, will or will not have the same general direction with other like momenta; and whether it may not join them in presently producing an aggregate energy working changes never thought of. Dwelling only on the

effects of his particular stream of legislation, and not observing how such other streams already existing, and still other streams which will follow his initiative, pursue the same average course, it never occurs to him that they may presently unite into a voluminous flood utterly changing the face of things. Or to leave figures for a more literal statement, he is unconscious of the truth that he is helping to form a certain type of social organization, and that kindred measures, effecting kindred changes of organization, tend with ever-increasing force to make that type general; until, passing a certain point, the proclivity towards it becomes irresistible. Just as each society aims when possible to produce in other societies a structure akin to its own—just as among the Greeks, the Spartans and the Athenians struggled to spread their respective political institutions, or as, at the time of the French Revolution, the European absolute monarchies aimed to re-establish absolute monarchy in France while the Republic encouraged the formation of other republics; so within every society, each species of structure tends to propagate itself. Just as the system of voluntary co-operation by companies, associations, unions, to achieve business ends and other ends, spreads throughout a community; so does the antagonistic system of compulsory co-operation under State-agencies spread; and the larger becomes its extension the more power of spreading it gets. The question of questions for the politician should ever be—"What type of social structure am I tending to produce?" But this is a question he never entertains.

Here we will entertain it for him. Let us now observe the general course of recent changes, with the accompanying current of ideas, and see whither they are carrying us.

The blank form of an inquiry daily made is—"We have already done this; why should we not do that?" And the regard for precedent suggested by it, is ever pushing on regulative legislation. Having had brought within their sphere

of operation more and more numerous businesses, the Acts restricting hours of employment and dictating the treatment of workers are now to be made applicable to shops. From inspecting lodging-houses to limit the numbers of occupants and enforce sanitary conditions, we have passed to inspecting all houses below a certain rent in which there are members of more than one family, and are now passing to a kindred inspection of all small houses.* The buying and working of telegraphs by the State is made a reason for urging that the State should buy and work the railways. Supplying children with food for their minds by public agency is being followed in some cases by supplying food for their bodies; and after the practice has been made gradually more general, we may anticipate that the supply, now proposed to be made gratis in the one case, will eventually be proposed to be made gratis in the other: the argument that good bodies as well as good minds are needful to make good citizens, being logically urged as a reason for the extension.† And then, avowedly proceeding on the precedents furnished by the church, the school, and the reading-room, all publicly provided, it is contended that "pleasure, in the sense it is now generally admitted, needs legislating for and organizing at least as much as work." ‡

Not precedent only prompts this spread, but also the necessity which arises for supplementing ineffective measures, and for dealing with the artificial evils continually caused. Failure does not destroy faith in the agencies employed, but merely suggests more stringent use of such agencies or wider

* See letter of Local Government Board, *Times*, January 2, 1884.

† Verification comes more promptly than I expected. This article has been standing in type since January 30, and in the interval, namely on March 13 [the article was published on April 1], the London School Board resolved to apply for authority to use local charitable funds for supplying gratis meals and clothing to indigent children. Presently the definition of "indigent" will be widened; more children will be included, and more funds asked for.

‡ *Fortnightly Review*, January, 1884, p. 21.

ramifications of them. Laws to check intemperance, beginning in early times and coming down to our own times, not having done what was expected, there come demands for more thorough-going laws, locally preventing the sale altogether; and here, as in America, these will doubtless be followed by demands that prevention shall be made universal. All the many appliances for "stamping out" epidemic diseases not having succeeded in preventing outbreaks of small-pox, fevers, and the like, a further remedy is applied for in the shape of police-power to search houses for diseased persons, and authority for medical officers to examine any one they think fit, to see whether he or she is suffering from an infectious or contagious malady. Habits of improvidence having for generations been cultivated by the Poor-Law, and the improvident enabled to multiply, the evils produced by compulsory charity are now proposed to be met by compulsory insurance.

The extension of this policy, causing extension of corresponding ideas, fosters everywhere the tacit assumption that Government should step in whenever anything is not going right. "Surely you would not have this misery continue!" exclaims some one, if you hint a demurrer to much that is now being said and done. Observe what is implied by this exclamation. It takes for granted, first, that all suffering ought to be prevented, which is not true: much of the suffering is curative, and prevention of it is prevention of a remedy. In the second place, it takes for granted that every evil can be removed: the truth being that, with the existing defects of human nature, many evils can only be thrust out of one place or form into another place or form—often being increased by the change. The exclamation also implies the unhesitating belief, here especially concerning us, that evils of all kinds should be dealt with by the State. There does not occur the inquiry whether there are at work other agencies capable of dealing with evils, and whether the evils in question may not be among those which are best dealt with

by these other agencies. And obviously, the more numerous governmental interventions become, the more confirmed does this habit of thought grow, and the more loud and perpetual the demands for intervention.

Every extension of the regulative policy involves an addition to the regulative agents—a further growth of officialism and an increasing power of the organization formed of officials. Take a pair of scales with many shot in the one and a few in the other. Lift shot after shot out of the loaded scale and put it into the unloaded scale. Presently you will produce a balance; and if you go on, the position of the scales will be reversed. Suppose the beam to be unequally divided, and let the lightly loaded scale be at the end of a very long arm; then the transfer of each shot, producing a much greater effect, will far sooner bring about a change of position. I use the figure to illustrate what results from transferring one individual after another from the regulated mass of the community to the regulating structures. The transfer weakens the one and strengthens the other in a far greater degree than is implied by the relative change of numbers. A comparatively small body of officials, coherent, having common interests, and acting under central authority, has an immense advantage over an incoherent public which has no settled policy, and can be brought to act unitedly only under strong provocation. Hence an organization of officials, once passing a certain stage of growth, becomes less and less resistible; as we see in the bureaucracies of the Continent.

Not only does the power of resistance of the regulated part decrease in a geometrical ratio as the regulating part increases, but the private interests of many in the regulated part itself, make the change of ratio still more rapid. In every circle conversations show that now, when the passing of competitive examinations renders them eligible for the public service, youths are being educated in such ways that they may pass them and get employment under Government.

One consequence is that men who might otherwise reprobate further growth of officialism, are led to look on it with tolerance, if not favourably, as offering possible careers for those dependent on them and those related to them. Any one who remembers the numbers of upper-class and middle-class families anxious to place their children, will see that no small encouragement to the spread of legislative control is now coming from those who, but for the personal interests thus arising, would be hostile to it.

This pressing desire for careers is enforced by the preference for careers which are thought respectable. "Even should his salary be small, his occupation will be that of a gentleman," thinks the father, who wants to get a Government-clerkship for his son. And this relative dignity of State-servants as compared with those occupied in business increases as the administrative organization becomes a larger and more powerful element in society, and tends more and more to fix the standard of honour. The prevalent ambition with a young Frenchman is to get some small official post in his locality, to rise thence to a place in the local centre of government, and finally to reach some head-office in Paris. And in Russia, where that universality of State-regulation which characterizes the militant type of society has been carried furthest, we see this ambition pushed to its extreme. Says Mr. Wallace, quoting a passage from a play:—"All men, even shopkeepers and cobblers, aim at becoming officers, and the man who has passed his whole life without official rank seems to be not a human being." *

These various influences working from above downwards, meet with an increasing response of expectations and solicitations proceeding from below upwards. The hard-worked and over-burdened who form the great majority, and still more the incapables perpetually helped who are ever led to look for more help, are ready supporters of schemes which

* *Russia*, i, 422.

promise them this or the other benefit by State-agency, and ready believers of those who tell them that such benefits can be given, and ought to be given. They listen with eager faith to all builders of political air-castles, from Oxford graduates down to Irish irreconcilables; and every additional tax-supported appliance for their welfare raises hopes of further ones. Indeed the more numerous public instrumentalities become, the more is there generated in citizens the notion that everything is to be done for them, and nothing by them. Each generation is made less familiar with the attainment of desired ends by individual actions or private combinations, and more familiar with the attainment of them by governmental agencies; until, eventually, governmental agencies come to be thought of as the only available agencies. This result was well shown in the recent Trades-Unions Congress at Paris. The English delegates, reporting to their constituents, said that between themselves and their foreign colleagues "the point of difference was the extent to which the State should be asked to protect labour;" reference being thus made to the fact, conspicuous in the reports of the proceedings, that the French delegates always invoked governmental power as the only means of satisfying their wishes.

The diffusion of education has worked, and will work still more, in the same direction. "We must educate our masters," is the well-known saying of a Liberal who opposed the last extension of the franchise. Yes, if the education were worthy to be so called, and were relevant to the political enlightenment needed, much might be hoped from it. But knowing rules of syntax, being able to add up correctly, having geographical information, and a memory stocked with the dates of kings' accessions and generals' victories, no more implies fitness to form political conclusions than acquirement of skill in drawing implies expertness in telegraphing, or than ability to play cricket implies proficiency on the violin. "Surely," rejoins some one, "facility in reading opens the

LIBRARY OF THE UNIVERSITY

way to political knowledge." Doubtless; but will the way be followed? Table-talk proves that nine out of ten people read what amuses them rather than what instructs them; and proves, also, that the last thing they read is something which tells them disagreeable truths or dispels groundless hopes. That popular education results in an extensive reading of publications which foster pleasant illusions rather than of those which insist on hard realities, is beyond question. Says "A Mechanic," writing in the *Pall Mall Gazette* of December 3, 1883:—

> "Improved education instils the desire for culture—culture instils the desire for many things as yet quite beyond working men's reach . . . . in the furious competition to which the present age is given up they are utterly impossible to the poorer classes; hence they are discontented with things as they are, and the more educated the more discontented. Hence, too, Mr. Ruskin and Mr. Morris are regarded as true prophets by many of us."

And that the connexion of cause and effect here alleged is a real one, we may see clearly enough in the present state of Germany.

Being possessed of electoral power, as are now the mass of those who are thus led to nurture sanguine anticipations of benefits to be obtained by social reorganization, it results that whoever seeks their votes must at least refrain from exposing their mistaken beliefs; even if he does not yield to the temptation to express agreement with them. Every candidate for Parliament is prompted to propose or support some new piece of *ad captandum* legislation. Nay, even the chiefs of parties—these anxious to retain office and those to wrest it from them—severally aim to get adherents by outbidding one another. Each seeks popularity by promising more than his opponent has promised, as we have lately seen. And then, as divisions in Parliament show us, the traditional loyalty to leaders overrides questions concerning the intrinsic propriety of proposed measures. Representatives are unconscientious enough to vote for Bills which they believe to be wrong in

principle, because party-needs and regard for the next election demand it. And thus a vicious policy is strengthened even by those who see its viciousness.

Meanwhile there goes on out-of-doors an active propaganda to which all these influences are ancillary. Communistic theories, partially indorsed by one Act of Parliament after another, and tacitly if not avowedly favoured by numerous public men seeking supporters, are being advocated more and more vociferously by popular leaders, and urged on by organized societies. There is the movement for land-nationalization which, aiming at a system of land-tenure equitable in the abstract, is, as all the world knows, pressed by Mr. George and his friends with avowed disregard for the just claims of existing owners, and as the basis of a scheme going more than half-way to State-socialism. And then there is the thorough-going Democratic Federation of Mr. Hyndman and his adherents. We are told by them that "the handful of marauders who now hold possession [of the land] have and can have no right save brute force against the tens of millions whom they wrong." They exclaim against "the shareholders who have been allowed to lay hands upon (!) our great railway communications." They condemn "above all, the active capitalist class, the loan-mongers, the farmers, the mine exploiters, the contractors, the middlemen, the factory-lords—these, the modern slave drivers" who exact "more and yet more surplus value out of the wage-slaves whom they employ." And they think it "high time" that trade should be "removed from the control of individual greed."*

It remains to point out that the tendencies thus variously displayed, are being strengthened by press advocacy, daily more pronounced. Journalists, always chary of saying that which is distasteful to their readers, are some of them going with the stream and adding to its force. Legislative med-

* *Socialism made Plain.* Reeves, 185, Fleet Street.

dlings which they would once have condemned they pass in silence, if they do not advocate them; and they speak of *laissez-faire* as an exploded doctrine. "People are no longer frightened at the thought of socialism," is the statement which meets us one day. On another day, a town which does not adopt the Free Libraries Act is sneered at as being alarmed by a measure so moderately communistic. And then, along with editorial assertions that this economic evolution is coming and must be accepted, there is prominence given to the contributions of its advocates. Meanwhile those who regard the recent course of legislation as disastrous, and see that its future course is likely to be still more disastrous, are being reduced to silence by the belief that it is useless to reason with people in a state of political intoxication.

See, then, the many concurrent causes which threaten continually to accelerate the transformation now going on. There is that spread of regulation caused by following precedents, which become the more authoritative the further the policy is carried. There is that increasing need for administrative compulsions and restraints, which results from the unforeseen evils and shortcomings of preceding compulsions and restraints. Moreover, every additional State-interference strengthens the tacit assumption that it is the duty of the State to deal with all evils and secure all benefits. Increasing power of a growing administrative organization is accompanied by decreasing power of the rest of the society to resist its further growth and control. The multiplication of careers opened by a developing bureaucracy, tempts members of the classes regulated by it to favour its extension, as adding to the chances of safe and respectable places for their relatives. The people at large, led to look on benefits received through public agencies as gratis benefits, have their hopes continually excited by the prospects of more. A spreading education, furthering the diffusion of pleasing errors rather than of stern truths, renders such hopes both

stronger and more general. Worse still, such hopes are ministered to by candidates for public choice, to augment their chances of success; and leading statesmen, in pursuit of party ends, bid for popular favour by countenancing them. Getting repeated justifications from new laws harmonizing with their doctrines, political enthusiasts and unwise philanthropists push their agitations with growing confidence and success. Journalism, ever responsive to popular opinion, daily strengthens it by giving it voice; while counter-opinion, more and more discouraged, finds little utterance.

Thus influences of various kinds conspire to increase corporate action and decrease individual action. And the change is being on all sides aided by schemers, each of whom thinks only of his pet plan and not at all of the general reorganization which his plan, joined with others such, are working out. It is said that the French Revolution devoured its own children. Here, an analogous castastrophe seems not unlikely. The numerous socialistic changes made by Act of Parliament, joined with the numerous others presently to be made, will by-and-by be all merged in State-socialism—swallowed in the vast wave which they have little by little raised.

"But why is this change described as 'the coming slavery'?" is a question which many will still ask. The reply is simple. All socialism involves slavery.

What is essential to the idea of a slave? We primarily think of him as one who is owned by another. To be more than nominal, however, the ownership must be shown by control of the slave's actions—a control which is habitually for the benefit of the controller. That which fundamentally distinguishes the slave is that he labours under coercion to satisfy another's desires. The relation admits of sundry gradations. Remembering that originally the slave is a prisoner whose life is at the mercy of his captor, it suffices here to note that there is a harsh form of slavery in which,

treated as an animal, he has to expend his entire effort for his owner's advantage. Under a system less harsh, though occupied chiefly in working for his owner, he is allowed a short time in which to work for himself, and some ground on which to grow extra food. A further amelioration gives him power to sell the produce of his plot and keep the proceeds. Then we come to the still more moderated form which commonly arises where, having been a free man working on his own land, conquest turns him into what we distinguish as a serf; and he has to give to his owner each year a fixed amount of labour or produce, or both: retaining the rest himself. Finally, in some cases, as in Russia before serfdom was abolished, he is allowed to leave his owner's estate and work or trade for himself elsewhere, under the condition that he shall pay an annual sum. What is it which, in these cases, leads us to qualify our conception of the slavery as more or less severe? Evidently the greater or smaller extent to which effort is compulsorily expended for the benefit of another instead of for self-benefit. If all the slave's labour is for his owner the slavery is heavy, and if but little it is light. Take now a further step. Suppose an owner dies, and his estate with its slaves comes into the hands of trustees; or suppose the estate and everything on it to be bought by a company; is the condition of the slave any the better if the amount of his compulsory labour remains the same? Suppose that for a company we substitute the community; does it make any difference to the slave if the time he has to work for others is as great, and the time left for himself is as small, as before? The essential question is—How much is he compelled to labour for other benefit than his own, and how much can he labour for his own benefit? The degree of his slavery varies according to the ratio between that which he is forced to yield up and that which he is allowed to retain; and it matters not whether his master is a single person or a society. If, without option, he has to labour for the society, and receives from

the general stock such portion as the society awards him, he becomes a slave to the society. Socialistic arrangements necessitate an enslavement of this kind; and towards such an enslavement many recent measures, and still more the measures advocated, are carrying us. Let us observe, first, their proximate effects, and then their ultimate effects.

The policy initiated by the Industrial Dwellings Acts admits of development, and will develop. Where municipal bodies turn house-builders, they inevitably lower the values of houses otherwise built, and check the supply of more. Every dictation respecting modes of building and conveniences to be provided, diminishes the builder's profit, and prompts him to use his capital where the profit is not thus diminished. So, too, the owner, already finding that small houses entail much labour and many losses—already subject to troubles of inspection and interference, and to consequent costs, and having his property daily rendered a more undesirable investment, is prompted to sell; and as buyers are for like reasons deterred, he has to sell at a loss. And now these still-multiplying regulations, ending, it may be, as Lord Grey proposes, in one requiring the owner to maintain the salubrity of his houses by evicting dirty tenants, and thus adding to his other responsibilities that of inspector of nuisances, must further prompt sales and further deter purchasers: so necessitating greater depreciation. What must happen? The multiplication of houses, and especially small houses, being increasingly checked, there must come an increasing demand upon the local authority to make up for the deficient supply. More and more the municipal or kindred body will have to build houses, or to purchase houses rendered unsaleable to private persons in the way shown—houses which, greatly lowered in value as they must become, it will, in many cases, pay to buy rather than to build new ones. Nay, this process must work in a double way; since every entailed increase of local taxation still further depre-

ciates property.* And then when in towns this process has gone so far as to make the local authority the chief owner of houses, there will be a good precedent for publicly providing houses for the rural population, as proposed in the Radical programme,† and as urged by the Democratic Federation; which insists on "the compulsory construction of healthy artisans' and agricultural labourers' dwellings in proportion to the population." Manifestly, the tendency of that which has been done, is being done, and is presently to be done, is to approach the socialistic ideal in which the community is sole house-proprietor.

Such, too, must be the effect of the daily-growing policy on the tenure and utilization of the land. More numerous public benefits, to be achieved by more numerous public agencies, at the cost of augmented public burdens, must increasingly deduct from the returns on land; until, as the depreciation in value becomes greater and greater, the resistance to change of tenure becomes less and less. Already, as every one knows, there is in many places difficulty in obtaining tenants, even at greatly reduced rents; and land of inferior fertility in some cases lies idle, or when farmed by the owner is often farmed at a loss. Clearly the profit on capital invested in land is not such that taxes, local and general, can be greatly raised to support extended public ad-

---

* If any one thinks such fears are groundless, let him contemplate the fact that from 1867–8 to 1880–1, our annual local expenditure for the United Kingdom has grown from £36,132,834 to £63,276,283; and that during the same 13 years, the municipal expenditure in England and Wales alone, has grown from 13 millions to 30 millions a year! How the increase of public burdens will join with other causes in bringing about public ownership, is shown by a statement made by Mr. W. Rathbone, M. P., to which my attention has been drawn since the above paragraph was in type. He says, "within my own experience, local taxation in New York has risen from 12*s.* 6*d* per cent. to £2 12*s.* 6*d.* per cent. on the capital of its citizens—a charge which would more than absorb the whole income of an average English landlord."—*Nineteenth Century*, February, 1883.

† *Fortnightly Review*, November, 1883, pp. 619–20.

ministrations, without an absorption of it which will prompt owners to sell, and make the best of what reduced price they can get by emigrating and buying land not subject to heavy burdens; as, indeed, some are now doing. This process, carried far, must have the result of throwing inferior land out of cultivation; after which there will be raised more generally the demand made by Mr. Arch, who, addressing the Radical Association of Brighton lately, and, contending that existing landlords do not make their land adequately productive for the public benefit, said "he should like the present Government to pass a Compulsory Cultivation Bill:" an applauded proposal which he justified by instancing compulsory vaccination (thus illustrating the influence of precedent). And this demand will be pressed, not only by the need for making the land productive, but also by the need for employing the rural population. After the Government has extended the practice of hiring the unemployed to work on deserted lands, or lands acquired at nominal prices, there will be reached a stage whence there is but a small further step to that arrangement which, in the programme of the Democratic Federation, is to follow nationalization of the land—the "organization of agricultural and industrial armies under State control on co-operative principles."

To one who doubts whether such a revolution may be so reached, facts may be cited showing its likelihood. In Gaul, during the decline of the Roman Empire, "so numerous were the receivers in comparison with the payers, and so enormous the weight of taxation, that the labourer broke down, the plains became deserts, and woods grew where the plough had been." * In like manner, when the French Revolution was approaching, the public burdens had become such, that many farms remained uncultivated and many were deserted: one-quarter of the soil was absolutely lying waste; and in some provinces one-half was in heath.† Nor have we been without

* Lactant. *De M. Persecut.*, cc. 7, 23.

† Taine, *L'Ancien Régime*, pp. 337–8 (in the English Translation).

incidents of a kindred nature at home. Besides the facts that under the old Poor Law the rates had in some parishes risen to half the rental, and that in various places farms were lying idle, there is the fact that in one case the rates had absorbed the whole proceeds of the soil.

At Cholesbury, in Buckinghamshire, in 1832, the poor rate "suddenly ceased in consequence of the impossibility to continue its collection, the landlords have given up their rents, the farmers their tenancies, and the clergyman his glebe and his tithes. The clergyman, Mr. Jeston, states that in October, 1832, the parish officers threw up their books, and the poor assembled in a body before his door while he was in bed, asking for advice and food. Partly from his own small means, partly from the charity of neighbours, and partly by rates in aid, imposed on the neighbouring parishes, they were for some time supported."*

And the Commissioners add that "the benevolent rector recommends that the whole of the land should be divided among the able-bodied paupers:" hoping that after help afforded for two years they might be able to maintain themselves. These facts, giving colour to the prophecy made in Parliament that continuance of the old Poor Law for another thirty years would throw the land out of cultivation, clearly show that increase of public burdens may end in forced cultivation under public control.

Then, again, comes State-ownership of railways. Already this exists to a large extent on the Continent. Already we have had here a few years ago loud advocacy of it. And now the cry, which was raised by sundry politicians and publicists, is taken up afresh by the Democratic Federation; which proposes "State-appropriation of railways, with or without compensation." Evidently pressure from above joined by pressure from below, is likely to effect this change dictated by the policy everywhere spreading; and with it must come many attendant changes. For railway-proprietors,

* *Report of Commissioners for Inquiry into the Administration and Practical Operation of the Poor Laws*, p. 37. February 20, 1834.

at first owners and workers of railways only, have become masters of numerous businesses directly or indirectly connected with railways; and these will have to be purchased by Government when the railways are purchased. Already exclusive letter-carrier, exclusive transmitter of telegrams, and on the way to become exclusive carrier of parcels, the State will not only be exclusive carrier of passengers, goods, and minerals, but will add to its present various trades many other trades. Even now, besides erecting its naval and military establishments and building harbours, docks, breakwaters, &c., it does the work of ship-builder, cannon-founder, small-arms maker, manufacturer of ammunition, army-clothier and boot-maker; and when the railways have been appropriated "with or without compensation," as the Democratic Federationists say, it will have to become locomotive-engine-builder, carriage-maker, tarpaulin and grease manufacturer, passenger-vessel owner, coal-miner, stone-quarrier, omnibus proprietor, &c. Meanwhile its local lieutenants, the municipal governments, already in may places suppliers of water, gas-makers, owners and workers of tramways, proprietors of baths, will doubtless have undertaken various other businesses. And when the State, directly or by proxy, has thus come into possession of, or has established, numerous concerns for wholesale production and for wholesale distribution, there will be good precedents for extending its function to retail distribution: following such an example, say, as is offered by the French Government, which has long been a retail tobacconist.

Evidently then, the changes made, the changes in progress, and the changes urged, will carry us not only towards State-ownership of land and dwellings and means of communication, all to be administered and worked by State-agents, but towards State-usurpation of all industries; the private forms of which, disadvantaged more and more in competition with the State, which can arrange everything for its own convenience, will more and more die away; just as many voluntary

schools have, in presence of Board-schools. And so will be brought about the desired ideal of the socialists.

And now when there has been compassed this desired ideal, which "practical" politicians are helping socialists to reach, and which is so tempting on that bright side which socialists contemplate, what must be the accompanying shady side which they do not contemplate? It is a matter of common remark, often made when a marriage is impending, that those possessed by strong hopes habitually dwell on the promised pleasures and think nothing of the accompanying pains. A further exemplification of this truth is supplied by these political enthusiasts and fanatical revolutionists. Impressed with the miseries existing under our present social arrangements, and not regarding these miseries as caused by the ill-working of a human nature but partially adapted to the social state, they imagine them to be forthwith curable by this or that rearrangement. Yet, even did their plans succeed it could only be by substituting one kind of evil for another. A little deliberate thought would show that under their proposed arrangements, their liberties must be surrendered in proportion as their material welfares were cared for.

For no form of co-operation, small or great, can be carried on without regulation, and an implied submission to the regulating agencies. Even one of their own organizations for effecting social changes yields them proof. It is compelled to have its councils, its local and general officers, its authoritative leaders, who must be obeyed under penalty of confusion and failure. And the experience of those who are loudest in their advocacy of a new social order under the paternal control of a Government, shows that even in private voluntarily-formed societies, the power of the regulative organization becomes great, if not irresistible: often, indeed, causing grumbling and restiveness among those controlled. Trades-unions which carry on a kind of industrial war in defence of workers' interests *versus* employers' interests, find that sub-

ordination almost military in its strictness is needful to secure efficient action; for divided councils prove fatal to success. And even in bodies of co-operators, formed for carrying on manufacturing or distributing businesses, and not needing that obedience to leaders which is required where the aims are offensive or defensive, it is still found that the administrative agency gains such supremacy that there arise complaints about "the tyranny of organization." Judge then what must happen when, instead of relatively small combinations, to which men may belong or not as they please, we have a national combination in which each citizen finds himself incorporated, and from which he cannot separate himself without leaving the country. Judge what must under such conditions become the despotism of a graduated and centralized officialism, holding in its hands the resources of the community, and having behind it whatever amount of force it finds requisite to carry out its decrees and maintain what it calls order. Well may Prince Bismarck display leanings towards State-socialism.

And then after recognizing, as they must if they think out their scheme, the power possessed by the regulative agency in the new social system so temptingly pictured, let its advocates ask themselves to what end this power must be used. Not dwelling exclusively, as they habitually do, on the material well-being and the mental gratifications to be provided for them by a beneficent administration, let them dwell a little on the price to be paid. The officials cannot create the needful supplies: they can but distribute among individuals that which the individuals have joined to produce. If the public agency is required to provide for them, it must reciprocally require them to furnish the means. There cannot be, as under our existing system, agreement between employer and employed—this the scheme excludes. There must in place of it be command by local authorities over workers, and acceptance by the workers of that which the authorities assign to them. And this, indeed, is the arrange-

ment distinctly, but as it would seem inadvertently, pointed to by the members of the Democratic Federation. For they propose that production should be carried on by "agricultural and industrial *armies* under State-control:" apparently not remembering that armies pre-suppose grades of officers, by whom obedience would have to be insisted upon; since otherwise neither order nor efficient work could be ensured. So that each would stand toward the governing agency in the relation of slave to master.

"But the governing agency would be a master which he and others made and kept constantly in check; and one which therefore would not control him or others more than was needful for the benefit of each and all."

To which reply the first rejoinder is that, even if so, each member of the community as an individual would be a slave to the community as a whole. Such a relation has habitually existed in militant communities, even under quasi-popular forms of government. In ancient Greece the accepted principle was that the citizen belonged neither to himself nor to his family, but belonged to his city—the city being with the Greek equivalent to the community. And this doctrine, proper to a state of constant warfare, is a doctrine which socialism unawares re-introduces into a state intended to be purely industrial. The services of each will belong to the aggregate of all; and for these services, such returns will be given as the authorities think proper. So that even if the administration is of the beneficent kind intended to be secured, slavery, however mild, must be the outcome of the arrangement.

A second rejoinder is that the administration will presently become not of the intended kind, and that the slavery will not be mild. The socialist speculation is vitiated by an assumption like that which vitiates the speculations of the "practical" politician. It is assumed that officialism will work as it is intended to work, which it never does. The machinery of Communism, like existing social machinery,

has to be framed out of existing human nature; and the defects of existing human nature will generate in the one the same evils as in the other. The love of power, the selfishness, the injustice, the untruthfulness, which often in comparatively short times bring private organizations to disaster, will inevitably, where their effects accumulate from generation to generation, work evils far greater and less remediable; since, vast and complex and possessed of all the resources, the administrative organization once developed and consolidated, must become irresistible. And if there needs proof that the periodic exercise of electoral power would fail to prevent this, it suffices to instance the French Government, which, purely popular in origin, and subject at short intervals to popular judgment, nevertheless tramples on the freedom of citizens to an extent which the English delegates to the late Trades Unions Congress say "is a disgrace to, and an anomaly in, a Republican nation."

The final result would be a revival of despotism. A disciplined army of civil officials, like an army of military officials, gives supreme power to its head—a power which has often led to usurpation, as in mediæval Europe and still more in Japan—nay, has thus so led among our neighbours, within our own times. The recent confessions of M. de Maupas have shown how readily a constitutional head, elected and trusted by the whole people, may, with the aid of a few unscrupulous confederates, paralyze the representative body and make himself autocrat. That those who rose to power in a socialistic organization would not scruple to carry out their aims at all costs, we have good reason for concluding. When we find that shareholders who, sometimes gaining but often losing, have made that railway-system by which national prosperity has been so greatly increased, are spoken of by the council of the Democratic Federation as having "laid hands" on the means of communication, we may infer that those who directed a socialistic administration might interpret with extreme perversity the claims of individuals and

classes under their control. And when, further, we find members of this same council urging that the State should take possession of the railways, "with or without compensation," we may suspect that the heads of the ideal society desired, would be but little deterred by considerations of equity from pursuing whatever policy they thought needful: a policy which would always be one identified with their own supremacy. It would need but a war with an adjacent society, or some internal discontent demanding forcible suppression, to at once transform a socialistic administration into a grinding tyranny like that of ancient Peru; under which the mass of the people, controlled by grades of officials, and leading lives that were inspected out-of-doors and in-doors, laboured for the support of the organization which regulated them, and were left with but a bare subsistence for themselves. And then would be completely revived, under a different form, that *régime* of status—that system of compulsory co-operation, the decaying tradition of which is represented by the old Toryism, and towards which the new Toryism is carrying us back.

"But we shall be on our guard against all that—we shall take precautions to ward off such disasters," will doubtless say the enthusiasts. Be they "practical" politicians with their new regulative measures, or communists with their schemes for re-organizing labour their reply is ever the same:—"It is true that plans of kindred nature have, from unforeseen causes or adverse accidents, or the misdeeds of those concerned, been brought to failure; but this time we shall profit by past experiences and succeed." There seems no getting people to accept the truth, which nevertheless is conspicuous enough, that the welfare of a society and the justice of its arrangements are at bottom dependent on the characters of its members; and that improvement in neither can take place without that improvement in character which results from carrying on peaceful industry under the restraints imposed by an orderly social life. The belief, no

only of the socialists but also of those so-called Liberals who are diligently preparing the way for them, is that by due skill an ill-working humanity may be framed into well-working institutions. It is a delusion. The defective natures of citizens will show themselves in the bad acting of whatever social structure they are arranged into. There is no political alchemy by which you can get golden conduct out of leaden instincts.

NOTE.—Two replies by socialists to the foregoing article have appeared since its publication—*Socialism and Slavery* by H. M. Hyndman, and *Herbert Spencer on Socialism* by Frank Fairman. Notice of them here must be limited to saying that, as usual with antagonists, they ascribe to me opinions which I do not hold. Disapproval of socialism does not, as Mr. Hyndman assumes, necessitate approval of existing arrangements. Many things he reprobates I reprobate quite as much; but I dissent from his remedy. The gentleman who writes under the pseudonym of "Frank Fairman," reproaches me with having receded from that sympathetic defence of the labouring-classes which he finds in *Social Statics;* but I am quite unconscious of any such change as he alleges. Looking with a lenient eye upon the irregularities of those whose lives are hard, by no means involves tolerance of good-for-nothings.

THE SINS OF LEGISLATORS.

Be it or be it not true that Man is shapen in iniquity and conceived in sin, it is unquestionably true that Government is begotten of aggression and by aggression. In small undeveloped societies where for ages complete peace has continued, there exists nothing like what we call Government: no coercive agency, but mere honorary headship, if any headship at all. In these exceptional communities, unaggressive and from special causes unaggressed upon, there is so little deviation from the virtues of truthfulness, honesty, justice, and generosity, that nothing beyond an occasional expression of public opinion by informally-assembled elders is needful.* Conversely, we find proofs that, at first recognized but temporarily during leadership in war, the authority of a chief is permanently established by continuity of war; and grows strong where successful war ends in subjection of neighbouring tribes. And thence onwards, examples furnished by all races put beyond doubt the truth, that the coercive power of the chief, developing into king, and king of kings (a frequent title in the ancient East), becomes great in proportion as conquest becomes habitual and the union of subdued nations extensive.† Comparisons disclose a further truth which should be ever present to us—the truth that the aggressiveness of the ruling power inside a society increases with its aggressiveness outside the society. As, to make an

---

* *Political Institutions*, §§ 437, 573. † *Ibid.*, §§ 471–3.

efficient army, the soldiers must be subordinate to their commander; so, to make an efficient fighting community, must the citizens be subordinate to their government. They must furnish recruits to the extent demanded, and yield up whatever property is required.

An obvious implication is that political ethics, originally identical with the ethics of war, must long remain akin to them; and can diverge from them only as warlike activities and preparations become less. Current evidence shows this. At present on the Continent, the citizen is free only when his services as a soldier are not demanded; and during the rest of his life he is largely enslaved in supporting the military organization. Even among ourselves a serious war would, by the necessitated conscription, suspend the liberties of large numbers and trench on the liberties of the rest, by taking from them through taxes whatever supplies were needed—that is, forcing them to labour so many days more for the State. Inevitably the established code of conduct in the dealings of Governments with citizens, must be allied to their code of conduct in their dealings with one another.

I am not, under the title of this article, about to treat of the trespasses and the revenges for trespasses, accounts of which mainly constitute history; nor to trace the internal inequities which have ever accompanied the external inequities. I do not propose here to catalogue the crimes of irresponsible legislators; beginning with that of King Khufu, the stones of whose vast tomb were laid in the bloody sweat of a hundred thousand slaves toiling through long years under the lash; going on to those committed by conquerors, Egyptian, Assyrian, Persian, Macedonian, Roman, and the rest; and ending with those of Napoleon, whose ambition to set his foot on the neck of the civilized world, cost not less than two million lives.* Nor do I propose here to enumerate those sins of responsible legislators seen in the long list of

* Landfrey. See also *Study of Sociology*, p. 42, and Appendix.

laws made in the interests of dominant classes—a list coming down in our own country to those under which there were long maintained slavery and the slave-trade, torturing nearly 40,000 negroes annually by close packing during a tropical voyage, and killing a large percentage of them, and ending with the corn-laws, by which, says Sir Erskine May, "to ensure high rents, it had been decreed that multitudes should hunger." *

Not, indeed, that a presentation of the conspicuous misdeeds of legislators, responsible and irresponsible, would be useless. It would have several uses—one of them relevant to the truth above pointed out. Such a presentation would make clear how that identity of political ethics with military ethics which necessarily exists during primitive times, when the army is simply the mobilized society and the society is the quiescent army, continues through long stages, and even now affects in great degrees our law-proceedings and our daily lives. Having, for instance, shown that in numerous savage tribes the judicial function of the chief does not exist, or is nominal, and that very generally during early stages of European civilization, each man had to defend himself and rectify his private wrongs as best he might—having shown that in mediæval times the right of private war among members of the military order was brought to an end, not because the head ruler thought it his duty to arbitrate, but because private wars interfered with the efficiency of his army in public wars—having shown that the administration of justice displayed through subsequent ages a large amount of its primitive nature, in trial by battle carried on before the king or his deputy as umpire, and which, among ourselves, continued nominally to be an alternative form of trial down to 1819; it might then be pointed out that even now there survives trial by battle under another form: counsel being the champions and purses the weapons. In civil cases, the

* *Constitutional History of England*, ii, p. 617.

ruling agency cares scarcely more than of old about rectifying the wrongs of the injured; but, practically, its deputy does little less than enforce the rules of the fight: the result being less a question of equity than a question of pecuniary ability and forensic skill. Nay, so little concern for the administration of justice is shown by the ruling agency, that when, by legal conflict carried on in the presence of its deputy, the combatants have been pecuniarily bled even to the extent of producing prostration, and when, an appeal being made by one of them, the decision is reversed, the beaten combatant is made to pay for the blunders of the deputy, or of a preceding deputy; and not unfrequently the wronged man, who sought protection or restitution, is taken out of court pecuniarily dead.

Adequately done, such a portrayal of governmental misdeeds of commission and omission, proving that the partially-surviving code of ethics arising in, and proper to, a state of war, still vitiates governmental action, might greatly moderate the hopes of those who are anxious to extend governmental control. After observing that along with the still-manifest traits of that primitive political structure which chronic militancy produces, there goes a still-manifest survival of its primitive principles; the reformer and the philanthropist might be less sanguine in their anticipations of good from its all-pervading agency, and might be more inclined to trust agencies of a non-governmental kind.

But leaving out the greater part of the large topic comprehended under the title of this article, I propose here to deal only with a comparatively small remaining part—those sins of legislators which are not generated by their personal ambitions or class interests, but result from lack of the study by which they are morally bound to prepare themselves.

A druggist's assistant who, after listening to the description of pains which he mistakes for those of colic, but which are really caused by inflammation of the cæcum, prescribes a

sharp purgative and kills the patient, is found guilty of manslaughter. He is not allowed to excuse himself on the ground that he did not intend harm but hoped for good. The plea that he simply made a mistake in his diagnosis is not entertained. He is told that he had no right to risk disastrous consequences by meddling in a matter concerning which his knowledge was so inadequate. The fact that he was ignorant how great was his ignorance is not accepted in bar of judgment. It is tacitly assumed that the experience common to all should have taught him that even the skilled, and much more the unskilled, make mistakes in the identification of disorders and in the appropriate treatment; and that having disregarded the warning derivable from common experience, he was answerable for the consequences.

We measure the responsibilities of legislators for mischiefs they may do, in a much more lenient fashion. In most cases, so far from thinking of them as deserving punishment for causing disasters by laws ignorantly enacted, we scarcely think of them as deserving reprobation. It is held that common experience should have taught the druggist's assistant, untrained as he is, not to interfere; but it is not held that common experience should have taught the legislator not to interfere till he has trained himself. Though multitudinous facts are before him in the recorded legislation of our own country and of other countries, which should impress on him the immense evils caused by wrong treatment, he is not condemned for disregarding these warnings against rash meddling. Contrariwise, it is thought meritorious in him when—perhaps lately from college, perhaps fresh from keeping a pack of hounds which made him popular in his county, perhaps emerging from a provincial town where he acquired a fortune, perhaps rising from the bar at which he has gained a name as an advocate—he enters Parliament; and forthwith, in quite a light-hearted way, begins to aid or hinder this or that means of operating on the body politic. In this case there is no occasion even to make for him the excuse

that he does not know how little he knows; for the public at large agrees with him in thinking it needless that he should know anything more than what the debates on the proposed measures tell him.

And yet the mischiefs wrought by uninstructed law-making, enormous in their amount as compared with those caused by uninstructed medical treatment, are conspicuous to all who do but glance over its history. The reader must pardon me while I recall a few familiar instances. Century after century, statesmen went on enacting usury laws which made worse the condition of the debtor—raising the rate of interest "from five to six when intending to reduce it to four,"* as under Louis XV.; and indirectly producing undreamt of evils of many kinds, such as preventing the reproductive use of spare capital, and "burdening the small proprietors with a multitude of perpetual services."† So too, the endeavours which in England continued through five hundred years to stop forestalling, and which in France, as Arthur Young witnessed, prevented any one from buying "more than two bushels of wheat at market,"‡ went on generation after generation increasing the miseries and mortality due to dearth; for, as everybody now knows, the wholesale dealer, who was in the statute "De Pistoribus" vituperated as "an open oppressor of poor people,"* is simply one whose function it is to equalize the supply of a commodity by checking unduly rapid consumption. Of kindred nature was the measure which, in 1315, to diminish the pressure of famine, prescribed the prices of foods, but which was hastily repealed after it had caused entire disappearance of various foods from the markets; and also such measures, more continuously operating, as those which settled

* W. E. H. Lecky, *History of Rationalism*, ii, 293–4.

† De Tocqueville, *The State of Society in France before the Revolution*, p. 421.

‡ Young's *Travels*, i. 128–9.

* G. L. Craik's *History of British Commerce*, i. 134.

by magisterial order "the reasonable gains" of victuallers.* Of like spirit and followed by allied mischiefs have been the many endeavours to fix wages, which began with the Statute of Labourers under Edward III., and ceased only sixty years ago; when, having long galvanized in Spitalfields a decaying industry, and fostered there a miserable population, Lords and Commons finally gave up fixing silk-weavers' earnings by the decisions of magistrates.

Here I imagine an impatient interruption. "We know all that; the story is stale. The mischiefs of interfering with trade have been dinned in our ears till we are weary; and no one needs to be taught the lesson afresh." My first reply is that by the great majority the lesson was never properly learnt at all, and that many of those who did learn it have forgotten it. For just the same pleas which of old were put in for these dictations, are again put in. In the statute 35 of Edward III., which aimed to keep down the price of herrings (but was soon repealed because it raised the price), it was complained that people "coming to the fair . . . do bargain for herring, and every of them, by malice and envy, increase upon other, and, if one proffer forty shilling, another will proffer ten shillings more, and the third sixty shillings, and so every one surmounteth other in the bargain."† And now "the higgling of the market," here condemned and ascribed "to malice and envy," is being again condemned. The evils of competition have all along been the stock cry of the Socialists; and the council of the Democratic Federation denounces the carrying on of exchange under "the control of individual and greed profit." My second reply is that interferences with the law of supply and demand, which a generation ago were admitted to be habitually mischievous, are now being daily made by Acts of Parliament in new fields; and that, as I shall presently show, they are in these new fields

* Craik, *loc. cit.*, i. 136–7.

† *Ibid.*, i. 137.

increasing the evils to be cured and producing fresh ones, as of old they did in fields no longer intruded upon.

Returning from this parenthesis, I go on to explain that the above Acts are named to remind the reader that uninstructed legislators have in past times continually increased human suffering in their endeavours to mitigate it; and I have now to add that if these evils, shown to be legislatively intensified or produced, be multiplied by ten or more, a conception will be formed of the aggregate evils caused by law-making unguided by social science. In a paper read to the Statistical Society in May, 1873, Mr. Janson, vice-president of the Law Society, stated that from the Statute of Merton (20 Henry III.) to the end of 1872, there had been passed 18,110 public Acts; of which he estimated that four-fifths had been wholly or partially repealed. He also stated that the number of public Acts repealed wholly or in part, or amended, during the three years 1870–71–72 had been 3,532, of which 2,759 had been totally repealed. To see whether this state of repeal has continued, I have referred to the annually-issued volumes of "The Public General Statutes" for the last three sessions. Saying nothing of the numerous amended Acts, the result is that in the last three sessions there have been totally repealed, separately or in groups, 650 Acts, *belonging to the present reign*, besides many of preceding reigns. This, of course, is greatly above the average rate; for there has of late been an active purgation of the statute-book. But making every allowance, we must infer that within our own times, repeals have mounted some distance into the thousands. Doubtless a number of them have been of laws that were obsolete; others have been demanded by changes of circumstances (though seeing how many of them are of quite recent Acts, this has not been a large cause); others simply because they were inoperative; and others have been consequent on the consolidations of numerous Acts into single Acts. But unquestionably in multitudinous cases, repeals came because the Acts had proved

injurious. We talk glibly of such changes—we think of cancelled legislation with indifference. We forget that before laws are abolished they have generally been inflicting evils more or less serious; some for a few years, some for tens of years, some for centuries. Change your vague idea of a bad law into a definite idea of it as an agency operating on people's lives, and you see that it means so much of pain, so much of illness, so much of mortality. A vicious form of legal procedure, for example, either enacted or tolerated, entails on suitors, costs, or delays, or defeats. What do these imply? Loss of money, often ill-spared; great and prolonged anxiety; frequently consequent bad health; unhappiness of family and dependents; children stinted in food and clothing—all of them miseries which bring after them multiplied remoter miseries. Add to which the far more numerous cases of those who, lacking the means or the courage to enter on lawsuits, and therefore submitting to frauds, are impoverished: and have similarly to bear the pains of body and mind which ensue. Even to say that a law has been simply a hindrance, is to say that it has caused needless loss of time, extra trouble, and additional worry; and among over-burdened people extra trouble and worry imply, here and there, physical and mental prostrations, with their entailed direct and indirect sufferings. Seeing, then, that bad legislation means injury to men's lives, judge what must be the total amount of mental distress, physical pain, and raised mortality, which these thousands of repealed Acts of Parliament represent! Fully to bring home the truth that law-making unguided by adequate knowledge brings enormous evils, let me take an instance which a question of the day recalls.

Already I have hinted that interferences with the connexion between supply and demand, given up in certain fields after immense mischiefs had been done during many centuries, are now taking place in other fields. This connexion is supposed to hold only where it has been proved to hold by the

evils of disregarding it: so feeble is men's belief in it. There appears no suspicion that in cases where it seems to fail, natural causation has been traversed by artificial hindrances. And yet in the case to which I now refer—that of the supply of houses for the poor—it needs but to ask what laws have been doing for a long time past, to see that the terrible evils complained of are mostly law-made.

A generation ago discussion was taking place concerning the inadequacy and badness of industrial dwellings, and I had occasion to deal with the question. Here is a passage then written:—

"An architect and surveyor describes it [the Building Act] as having worked after the following manner. In those districts of London consisting of inferior houses built in that unsubstantial fashion which the New Building Act was to mend, there obtains an average rent, sufficiently remunerative to landlords whose houses were run up economically before the New Building Act passed. This existing average rent fixes the rent that must be charged in these districts for new houses of the same accommodation—that is the same number of rooms, for the people they are built for do not appreciate the extra safety of living within walls strengthened with hoop-iron bond. Now it turns out upon trial, that houses built in accordance with the present regulations, and let at this established rate, bring in nothing like a reasonable return. Builders have consequently confined themselves to erecting houses in better districts (where the possibility of a profitable competition with pre-existing houses shows that those pre-existing houses were tolerably substantial), and have ceased to erect dwellings for the masses, except in the suburbs where no pressing sanitary evils exist. Meanwhile, in the inferior districts above described, has resulted an increase of overcrowding—half-a-dozen families in a house, a score lodgers to a room. Nay, more than this has resulted. That state of miserable dilapidation into which these abodes of the poor are allowed to fall, is due to the absence of competition from new houses. Landlords do not find their tenants tempted away by the offer of better accommodation. Repairs, being unnecessary for securing the largest amount of profit, are not made. . . . . In fact for a large percentage of the very horrors which our sanitary agitators are trying to cure by law, we have to thank previous agitators of the same school!"—*Social Statics*, p. 884 (edition of 1851).

These were not the only law-made causes of such evils. As shown in the following further passage, sundry others were recognized :—

"Writing before the repeal of the brick duty, the *Builder* says :—'It is supposed that one-fourth of the cost of a dwelling which lets for 2*s.* 6*d.* or 3*s.* a week is caused by the expense of the title-deeds and the tax on wood and bricks used in its construction. Of course, the owner of such property must be remunerated, and he therefore charges 7½*d.* or 9*d.* a week to cover these burdens.' Mr. C. Gatliff, secretary to the Society for Improving the Dwellings of the Working Classes, describing the effect of the window-tax, says :—'They are now paying upon their institution in St. Pancras the sum of £162 16*s.* in window-duties, or 1 per cent. per annum upon the original outlay. The average rental paid by the Society's tenants is 5*s.* 6*d.* per week, and the window-duty deducts from this 7½*d.* per week.'"—*Times*, January 31, 1850.—*Social Statics*, p. 385 (edition of 1851).

Neither is this all the evidence which the press of those days afforded. There was published in *The Times* of December 7, 1850 (too late to be used in the above-named work, which I issued in the last week of 1850), a letter dated from the Reform Club, and signed "Architect," which contained the following passages :—

"Lord Kinnaird recommends in your paper of yesterday the construction of model lodging-houses by throwing two or three houses into one.

"Allow me to suggest to his Lordship, and to his friend Lord Ashley to whom he refers, that if,—

"1. The window tax were repealed,

"2. The Building Act repealed (excepting the clauses enacting that party and external walls shall be fireproof),

"3. The timber duties either equalized or repealed, and,

"4. An Act passed to facilitate the transfer of property,

"There would be no more necessity for model lodging-houses than there is for model ships, model cotton-mills, or model steam-engines.

"The first limits the poor man's house to seven windows,

"The second limits the size of the poor man's house to 25 feet by 18 (about the size of a gentleman's dining-room), into which space the builder has to cram a staircase, an entrance passage, a parlour, and a kitchen (walls and partitions included).

"The third induces the builder to erect the poor man's house of timber unfit for building purposes, the duty on the good material (Baltic) being fifteen times more than the duty on the bad or injurious article (Canadian). The Government, even, exclude the latter from all their contracts.

"The fourth would have considerable influence upon the present miserable state of the dwellings of the poor. Small freeholds might then be transferred as easily as leaseholds. The effect of building leases has been a direct inducement to bad building."

To guard against mis-statements or over-statements, I have taken the precaution to consult a large East-end builder and contractor of forty years' experience, Mr. C. Forrest, Museum Works, 17, Victoria Park Square, Bethnal Green, who, being chuchwarden, member of the vestry, and of the board of guardians, adds extensive knowledge of local public affairs to his extensive knowledge of the building business. Mr. Forrest, who authorizes me to give his name, verifies the foregoing statements, with the exception of one which he strengthens. He says that "Architect" understates the evil entailed by the definition of "a fourth-rate house;" since the dimensions are much less than those he gives (perhaps in conformity with the provisions of a more recent Building Act). Mr. Forrest has done more than this. Besides illustrating the bad effects of great increase in ground-rents (in sixty years from £1 to £8 10*s.* for a fourth-rate house) which, joined with other causes, had obliged him to abandon plans for industrial dwellings he had intended to build—besides agreeing with "Architect" that this evil has been greatly increased by the difficulties of land transfer due to the law-established system of trusts and entails; he pointed out that a further penalty on the building of small houses is inflicted by additions to local burdens ("prohibitory imposts" he called them): one of the instances he named being that to the cost of each new house has to be added the cost of pavement, roadway, and sewerage, which is charged according to length of frontage, and which, consequently,

bears a far larger ratio to the value of a small house than to the value of a large one.

From these law-produced mischiefs, which were great a generation ago, and have since been increasing, let us pass to more recent law-produced mischiefs. The misery, the disease, the mortality, in "rookeries," made continually worse by artificial impediments to the increase of fourth-rate houses, and by the necessitated greater crowding of those which existed, having become a scandal, Government was invoked to remove the evil. It responded by Artisans' Dwellings Acts; giving to local authorities powers to pull down bad houses and provide for the building of good ones. What have been the results? A summary of the operations of the Metropolitan Board of Works, dated December 21, 1883, shows that up to last September it had, at a cost of a million and a quarter to ratepayers, unhoused 21,000 persons and provided houses for 12,000—the remaining 9,000 to be hereafter provided for, being, meanwhile, left houseless. This is not all. Another local lieutenant of the Government, the Commission of Sewers for the City, working on the same lines, has, under legislative compulsion, pulled down in Golden Lane and Petticoat Square, masses of condemned small houses, which, together, accommodated 1,734 poor people; and of the spaces thus cleared five years ago, one has, by State authority, been sold for a railway station, and the other is only now being covered with industrial dwellings which will eventually accommodate one-half of the expelled population: the result up to the present time being that, added to those displaced by the Metropolitan Board of Works, these 1,734 displaced five years ago, form a total of nearly 11,000 artificially made homeless, who have had to find corners for themselves in miserable places that were already overflowing!

See then what legislation has done. By ill-imposed taxes, raising the prices of bricks and timber, it added to the costs of houses; and prompted, for economy's sake, the use of bad materials in scanty quantities. To check the consequent

production of wretched dwellings, it established regulations which, in mediæval fashion, dictated the quality of the commodity produced: there being no perception that by insisting on a higher quality and therefore higher price, it would limit the demand and eventually diminish the supply. By additional local burdens, legislation has of late still further hindered the building of small houses. Finally, having, by successive measures, produced first bad houses and then a deficiency of better ones, it has at length provided for the artificially-increased overflow of poor people by diminishing the house-capacity which already could not contain them!

Where then lies the blame for the miseries of the East-end? Against whom should be raised "The bitter cry of outcast London?" *

The German anthropologist Bastian, tells us that a sick native of Guinea who causes the fetish to lie by not recover-

* More recently, Glasgow has furnished a gigantic illustration of the disasters which result from the socialistic meddlings of municipal bodies. The particulars may be found in proceedings of the Glasgow Town Council, reported in the *Glasgow Herald* for September 11, 1891. In the course of the debate it was said that the Glasgow Improvement Trust had for years been pursuing a "course of blundering," and had landed the corporation "in a quagmire." Out of some £2,000,000 taken from the ratepayers to buy and clear 88 acres of bad house property, £1,000,000 had been got back by sale of cleared lands. But the property remaining in the hands of the Corporation, mostly vacant land, has, by successive valuations in 1880, 1884, and 1891, been shown to have gradually depreciated to the extent of £320,000—an admitted depreciation, believed to be far less than the actual depreciation. Moreover, model-blocks built by the Improvement Trust, have proved to be not only financial failures, but also failures philanthropically considered. One which cost £10,000, and in the first year yielded 5 per cent., brought in the second year 4 per cent., and in the third 2¾ per cent. Another which cost £11,000 yields only 3 per cent. And, as is thus implied, these dwellings, instead of being in demand, have a decreasing number of tenants—a decreasing number, too, notwithstanding the fact that the clearing of so large an area of low-class dwellings has increased the pressure of the working population, made the over-crowding greater in other parts of the city, and intensified the sanitary evils which were to

ing is strangled; * and we may reasonably suppose that among the Guinea people, any one audacious enough to call in question the power of the fetish would be promptly sacrificed. In days when Governmental authority was enforced by strong measures, there was a kindred danger in saying anything disrespectful of the political fetish. Nowadays, however, the worst punishment to be looked for by one who questions its omnipotence, is that he will be reviled as a reactionary who talks *laissez-faire*. That any facts he may bring forward will appreciably decrease the established faith is not to be expected; for we are daily shown that this faith is proof against all adverse evidence. Let us contemplate a small part of that vast mass of it which passes unheeded.

"A Government-office is like an inverted filter; you send in accounts clear and they come out muddy." Such was the

---

be mitigated. Commenting on the results, as they had become manifest at the close of 1888, Mr. Honeyman, President of the Social Economy Section of the Glasgow Philosophical Society, said that the model-building put up by the Improvement Trust, was one "which no sane builder would dream of imitating, because it would not pay," and that they had "put anything like fair competition entirely out of the question:" "driving the ordinary builder from the field." He also pointed out that the building regulations and restrictions imposed by the Improvement Trust, tended "to keep the land belonging to the Corporation vacant, and hinder the erection of dwellings of the humblest class." In like manner, at a meeting of the Kyrle Society, the Lord Provost of Glasgow pointed out that when, with philanthropic motives, they built houses for the working-people at prices which would not pay the ordinary builder, then "immediately the whole of those builders who had hitherto supplied the wants of the working classes would stop, and philanthropy would require to take the whole burden of the provision on itself."

To achieve all these failures and produce all these evils, many thousands of hard-working ratepayers, who have difficulty in making both ends meet, have been taxed and pinched and distressed. See, then, the enormous evils that follow in the train of the baseless belief in the unlimited power of a majority—the miserable superstition that a body elected by the greater number of citizens has the right to take from citizens at large any amount of money for any purpose it pleases!

* *Mensch*, iii. p. 225.

comparison I heard made many years ago by the late Sir Charles Fox, who, in the conduct of his business, had considerable experience of public departments. That his opinion was not a singular one, though his comparison was, all men know. Exposures by the press and criticisms in Parliament, leave no one in ignorance of the vices of red-tape routine. Its delays, perpetually complained of, and which in the time of Mr. Fox Maule went to the extent that "the commissions of officers in the army" were generally "about two years in arrear," is afresh illustrated by the issue of the first volume of the detailed census of 1881, more than two years after the information was collected. If we seek explanations of such delays, we find one origin to be a scarcely credible confusion. In the case of the census returns, the Registrar-General tells us that "the difficulty consists not merely in the vast multitude of different areas that have to be taken into account, but still more in the bewildering complexity of their boundaries:" there being 39,000 administrative areas of 22 different kinds which overlap one another—hundreds, parishes, boroughs, wards, petty sessional divisions, lieutenancy divisions, urban and rural sanitary districts, dioceses, registration districts, &c. And then, as Mr. Rathbone, M.P., points out,* these many superposed sets of areas with intersecting boundaries, have their respective governing bodies with authorities running into one another's districts. Does any one ask why for each additional administration Parliament has established a fresh set of divisions? The reply which suggests itself is—To preserve consistency of method. For this organized confusion corresponds completely with that organized confusion which Parliament each year increases by throwing on to the heap of its old Acts a hundred new Acts, the provisions of which traverse and qualify in all kinds of ways the provisions of multitudinous Acts on to which they are thrown: the onus of settling what is the law being left to private persons, who

* *The Nineteenth Century*, February, 1883.

lose their property in getting judges' interpretations. And again, this system of putting networks of districts over other networks, with their conflicting authorities, is quite consistent with the method under which the reader of the Public Health Act of 1872, who wishes to know what are the powers exercised over him, is referred to 26 preceding Acts of several classes and numerous dates.* So, too, with administrative inertia. Continually there occur cases showing the resistance of officialism to improvements; as by the Admiralty when use of the electric telegraph was proposed, and the reply was—"We have a very good semaphore system;" or as by the Post Office, which the late Sir Charles Siemens years ago said had obstructed the employment of improved methods of telegraphing and which since then has impeded the use of the telephone. Other cases akin to the case of industrial dwellings, now and then show how the State with one hand increases evils which with the other hand it tries to diminish; as when it puts a duty on fire-insurances and then makes regulations for the better putting out of fires: dictating, too, certain modes of construction which, as Captain Shaw shows, entail additional dangers.† Again, the absurdities of official routine, rigid where it need not be and lax where it should be rigid, occasionally become glaring enough to cause scandals; as when a secret State-document of importance, put into the hands of an ill-paid copying-clerk who was not even in permanent Government employ, was made public by him; or as when the mode of making the Moorsom fuse, which was kept secret even from our highest artillery officers, was taught to them by the Russians, who had been allowed to learn it; or as when a diagram showing the "distances at which British and foreign iron-clads could be

* "The Statistics of Legislation." By F. H. Janson, Esq., F.L.S., Vice-president of the Incorporated Law Society. [Read before the Statistical Society, May, 1873.]

† *Fire Surveys; or, a Summary of the Principles to be observed in Estimating the Risk of Buildings.*

perforated by our large guns," communicated by an enterprising *attaché* to his own Government, then became known "to all the Governments of Europe," while English officers remained ignorant of the facts.* So, too, with State-supervision. Guaranteeing of quality by inspection has been shown, in the hall-marking of silver, to be superfluous, while the silver trade has been decreased by it;† and in other cases it has lowered the quality by establishing a standard which it is useless to exceed: instance the case of the Cork butter-market, where the higher kinds are disadvantaged in not adequately profiting by their better repute;‡ or, instance the case of herring-branding (now optional), the effect of which is to put the many inferior curers who just reach the level of official approval, on a par with the few better ones who rise above it, and so to discourage these. But such lessons pass unlearned. Even where the failure of inspection is most glaring, no notice is taken of it; as instance the terrible catastrophe by which a train full of people was destroyed along with the Tay bridge. Countless denunciations, loud and unsparing, were vented against engineer and contractor; but little, if anything, was said about the Government officer from whom the bridge received State-approval. So, too, with prevention of disease. It matters not that under the management or dictation of State-agents some of the worst evils occur; as when the lives of 87 wives and children of soldiers are sacrificed in the ship *Accrington*;* or as when typhoid fever and diphtheria are diffused by a State-ordered drainage system, as in Edinburgh;‖ or as when

* See *The Times*, October 6, 1874, where other instances are given.

† Sir Thomas Farrer, *The State in its Relation to Trade*, p. 147.

‡ *Ibid.*, p. 149.

* Hansard, vol. clvi. p. 718, and vol. clviii. p. 4464.

‖ Letter of an Edinburgh M.D. in *The Times* of 17th January, 1876, verifying other testimonies; one of which I had previously cited concerning Windsor, where, as in Edinburgh, there was absolutely no typhoid in the undrained parts, while it was very fatal in the drained parts.—*Study of Sociology*, chap. i., notes.

officially-enforced sanitary appliances, ever getting out of order, increase the evils they were to decrease.* Masses of such evidence leave unabated the confidence with which sanitary inspection is invoked—invoked, indeed, more than ever; as is shown in the recent suggestion that all public schools should be under the supervision of health-officers. Nay, even when the State has manifestly caused the mischief complained of, faith in its beneficent agency is not at all diminished; as we see in the fact that, having a generation ago authorized, or rather required, towns to establish drainage systems which delivered sewage into the rivers, and having thus polluted the sources of water-supply, an outcry was raised against the water-companies for the impurities of their water—an outcry which continued after these towns had been compelled, at vast extra cost, to revolutionize their drainage systems. And now, as the only remedy, there follows the demand that the State, by its local proxies, shall undertake the whole business. The State's misdoings become, as in the case of industrial dwellings, reasons for praying it to do more!

This worship of the legislature is, in one respect, indeed, less excusable than the fetish-worship to which I have tacitly compared it. The savage has the defence that his fetish is silent—does not confess its inability. But the civilized man persists in ascribing to this idol made with his own hands, powers which in one way or other it confesses it has not got. I do not mean merely that the debates daily tell us of legislative measures which have done evil instead of good; nor do I mean merely that the thousands of Acts of Parliament which repeal preceding Acts, are so many tacit admissions of failure. Neither do I refer only to such quasi-governmental confessions as that contained in the report of the Poor Law Commissioners, who said that—"We find, on the one hand,

* I say this partly from personal knowledge; having now before me memoranda made 25 years ago concerning such results produced under my own observation. Verifying facts have recently been given by Sir Richard Cross in the *Nineteenth Century* for January, 1884, p. 155.

that there is scarcely one statute connected with the administration of public relief which has produced the effect designed by the legislature, and that the majority of them have created new evils, and aggravated those which they were intended to prevent." * I refer rather to confessions made by statesmen and by State departments. Here, for example, in a memorial addressed to Mr. Gladstone, and adopted by a highly-influential meeting held under the chairmanship of the late Lord Lyttelton, I read :—

"'We, the undersigned, Peers, Members of the House of Commons, Ratepayers, and Inhabitants of the Metropolis, feeling strongly the truth and force of your statement made in the House of Commons, in 1866, that, 'there is still a lamentable and deplorable state of our whole arrangements with regard to public works—vacillation, uncertainty, costliness, extravagance, meanness, and all the conflicting vices that could be enumerated, are united in our present system,'" &c., &c.†

Here, again, is an example furnished by a recent minute of the Board of Trade (November, 1883), in which it is said that since "the Shipwreck Committee of 1836 scarcely a session has passed without some Act being passed or some step being taken by the legislature or the Government with this object" [prevention of shipwrecks]; and that "the multiplicity of statutes, which were all consolidated into one Act in 1854, has again become a scandal and a reproach:" each measure being passed because previous ones had failed. And then comes presently the confession that "the loss of life and of ships has been greater since 1876 than it ever was before." Meanwhile, the cost of administration has been raised from £17,000 a year to £73,000 a year.

---

* Sir G. Nicholl's *History of the English Poor Law*, ii. p. 252.

† See *The Times*, March 31, 1873.

‡ In these paragraphs are contained just a few additional examples. Numbers which I have before given in books and essays, will be found in *Social Statics* (1851); "Over-Legislation" (1853); "Representative Government" (1857); "Specialized Administration" (1871); *Study of Sociology* (1873), and Postscript to ditto (1880); besides cases in smaller essays.

It is surprising how, spite of better knowledge, the imagination is excited by artificial appliances used in particular ways. We see it all through human history, from the war-paint with which the savage frightens his adversary, down through religious ceremonies and regal processions, to the robes of a Speaker and the wand of an officially-dressed usher. I remember a child who, able to look with tolerable composure on a horrible cadaverous mask while it was held in the hand, ran away shrieking when his father put it on. A kindred change of feeling comes over constituencies when, from boroughs and counties, their members pass to the Legislative Chamber. While before them as candidates, they are, by one or other party, jeered at, lampooned, "heckled," and in all ways treated with utter disrespect. But as soon as they assemble at Westminster, those against whom taunts and invectives, charges of incompetence and folly, had been showered from press and platform, excite unlimited faith. Judging from the prayers made to them, there is nothing which their wisdom and their power cannot compass.

The reply to all this will doubtless be that nothing better than guidance by "collective wisdom" can be had—that the select men of the nation, led by a re-selected few, bring their best powers, enlightened by all the knowledge of the time, to bear on the matters before them. "What more would you have?" will be the question asked by most.

My answer is that this best knowledge of the time with which legislators are said to come prepared for their duties is a knowledge of which the greater part is obviously irrelevant, and that they are blameworthy for not seeing what is the relevant knowledge. No amount of the linguistic acquirements by which many of them are distinguished will help their judgments in the least; nor will they be appreciably helped by the literatures these acquirements open to them. Political experiences and speculations coming from small ancient societies, through philosophers who assume that we

is the normal state, that slavery is alike needful and just, and that women must remain in perpetual tutelage, can yield them but small aid in judging how Acts of Parliament will work in great nations of modern types. They may ponder on the doings of all the great men by whom, according to the Carlylean theory, society is framed, and they may spend years over those accounts of international conflicts, and treacheries, and intrigues, and treaties, which fill historical works, without being much nearer understanding the how and the why of social structures and actions, and the ways in which laws affect them. Nor does such information as is picked up at the factory, on 'Change, or in the justice room, go far towards the required preparation.

That which is really needed is a systematic study of natural causation as displayed among human beings socially aggregated. Though a distinct consciousness of causation is the last trait which intellectual progress brings—though with the savage even a simple mechanical cause is not conceived as such—though even among the Greeks the flight of a spear was thought of as guided by a god—though from their times down almost to our own, epidemics have been habitually regarded as of supernatural origin—and though among social phenomena, the most complex of all, causal relations may be expected to continue longest unrecognized; yet in our days, the existence of such causal relations has become clear enough to force on all who think, the inference that before meddling with them they should be diligently studied. The mere facts, now familiar, that there is a connexion between the number of marriages and the price of corn, and that in the same society during the same generation, the ratio of crime to population varies within narrow limits, should be sufficient to make all see that human desires, using as guide such intellect as is joined with them, act with approximate uniformity. It should be inferred that among social causes, those initiated by legislation, similarly operating with an average regularity, must not only change men's actions, but, by consequence,

change their natures—probably in ways not intended. There should be recognition of the fact that social causation, more than all other causation, is a fructifying causation; and it should be seen that indirect and remote effects are no less inevitable than proximate effects. I do not mean that there is denial of these statements and inferences. But there are beliefs and beliefs—some which are held nominally, some which influence conduct in small degrees, some which sway it irresistibly under all circumstances; and unhappily the beliefs of law-makers respecting causation in social affairs, are of the superficial sort. Let us look at some of the truths which all tacitly admit, but which scarcely any take account of in legislation.

There is the indisputable fact that each human being is in a certain degree modifiable, both physically and mentally. Every theory of education, every discipline, from that of the arithmetician to that of the prize-fighter, every proposed reward for virtue or punishment for vice, implies the belief, embodied in sundry proverbs, that the use or disuse of each faculty, bodily or mental, is followed by an adaptive change in it—loss of power or gain of power, according to demand.

There is the fact, also in its broader manifestations universally recognized, that modifications of structure, in one way or other produced, are inheritable. No one denies that by the accumulation of small changes, generation after generation, constitution fits itself to conditions; so that a climate which is fatal to other races is innocuous to the adapted race. No one denies that peoples who belong to the same original stock, but have spread into different habitats where they have led different lives, have acquired in course of time different aptitudes and different tendencies. No one denies that under new conditions new national characters are even now being moulded; as witness the Americans. And if adaptation is everywhere and always going on, then adaptive modifications must be set up by every change of social conditions.

To which there comes the undeniable corollary that every law which serves to alter men's modes of action—compelling, or restraining, or aiding, in new ways—so affects them as to cause, in course of time, fresh adjustments of their natures. Beyond any immediate effect wrought, there is the remote effect, wholly ignored by most—a re-moulding of the average character: a re-moulding which may be of a desirable kind or of an undesirable kind, but which in any case is the most important of the results to be considered.

Other general truths which the citizen, and still more the legislator, ought to contemplate until they become wrought into his intellectual fabric, are disclosed when we ask how social activities are produced; and when we recognize the obvious answer that they are the aggregate results of the desires of individuals who are severally seeking satisfactions, and ordinarily pursuing the ways which, with their pre-existing habits and thoughts, seem the easiest—following the lines of least resistance: the truths of political economy being so many sequences. It needs no proving that social structures and social actions must in some way or other be the outcome of human emotions guided by ideas—either those of ancestors or those of living men. And that the right interpretation of social phenomena is to be found in the co-operation of these factors from generation to generation, follows inevitably.

Such an interpretation soon brings us to the inference that among men's desires seeking gratifications, those which have prompted their private activities and their spontaneous co-operations, have done much more towards social development than those which have worked through governmental agencies. That abundant crops now grow where once only wild berries could be gathered, is due to the pursuit of individual satisfactions through many centuries. The progress from wigwams to good houses has resulted from wishes to increase personal welfare; and towns have arisen under the like promptings. Beginning with traffic at gatherings on

occasions of religious festivals, the trading organization, now so extensive and complex, has been produced entirely by men's efforts to achieve their private ends. Perpetually, governments have thwarted and deranged the growth, but have in no way furthered it; save by partially discharging their proper function and maintaining social order. So, too, with those advances of knowledge and those improvements of appliances, by which these structural changes and these increasing activities have been made possible. It is not to the State that we owe the multitudinous useful inventions from the spade to the telephone; it was not the State which made possible extended navigation by a developed astronomy; it was not the State which made the discoveries in physics, chemistry, and the rest, which guide modern manufacturers; it was not the State which devised the machinery for producing fabrics of every kind, for transferring men and things from place to place, and for ministering in a thousand ways to our comforts. The world-wide transactions conducted in merchants' offices, the rush of traffic filling our streets, the retail distributing system which brings everything within easy reach and delivers the necessaries of life daily at our doors, are not of governmental origin. All these are results of the spontaneous activities of citizens, separate or grouped. Nay, to these spontaneous activities governments owe the very means of performing their duties. Divest the political machinery of all those aids which Science and Art have yielded it—leave it with those only which State-officials have invented; and its functions would cease. The very language in which its laws are registered and the orders of its agents daily given, is an instrument not in the remotest degree due to the legislator; but is one which has unawares grown up during men's intercourse while pursuing their personal satisfactions.

And then a truth to which the foregoing one introduces us, is that this spontaneously-formed social organization is so bound together that you cannot act on one part without

acting more or less on all parts. We see this unmistakably when a cotton-famine, first paralyzing certain manufacturing districts and then affecting the doings of wholesale and retail distributors throughout the kingdom, as well as the people they supply, goes on to affect the makers and distributors, as well as the wearers, of other fabrics—woollen, linen, &c. Or we see it when a rise in the price of coal, besides influencing domestic life everywhere, hinders many of our industries, raises the prices of the commodities produced, alters the consumption of them, and changes the habits of consumers. What we see clearly in these marked cases happens in every case, in sensible or in insensible ways. And manifestly, Acts of Parliament are among those factors which, beyond the effects directly produced, have countless other effects of multitudinous kinds. As I heard remarked by a distinguished professor, whose studies give ample means of judging—"When once you begin to interfere with the order of Nature there is no knowing where the results will end." And if this is true of that sub-human order of Nature to which he referred, still more is it true of that order of Nature existing in the social arrangements of human beings.

And now to carry home the conclusion that the legislator should bring to his business a vivid consciousness of these and other such broad truths concerning the society with which he proposes to deal, let me present somewhat more fully one of them not yet mentioned.

The continuance of every higher species of creature depends on conformity, now to one, now to the other, of two radically-opposed principles. The early lives of its members, and the adult lives of its members, have to be dealt with in contrary ways. We will contemplate them in their natural order.

One of the most familiar facts is that animals of superior types, comparatively slow in reaching maturity, are enabled

when they have reached it, to give more aid to their offspring than animals of inferior types. The adults foster their young during periods more or less prolonged, while yet the young are unable to provide for themselves; and it is obvious that maintenance of the species can be secured only by this parental care. It requires no proving that the blind unfledged hedge-bird, or the young puppy even after it has acquired sight, would forthwith die if it had to keep itself warm and obtain its own food. The gratuitous aid must be great in proportion as the young one is of little worth, either to itself or to others; and it may diminish as fast as, by increasing development, the young one acquires worth, at first for self-sustentation, and by-and-by for sustentation of others. That is to say, during immaturity, benefits received must vary inversely as the power or ability of the receiver. Clearly if during this first part of life benefits were proportioned to merits, or rewards to deserts, the species would disappear in a generation.

From this *régime* of the family-group, let us turn to the *régime* of that larger group formed by adult members of the species. Asks what happens when the new individual, acquiring complete use of its powers and ceasing to have parental aid, is left to itself. Now there comes into play a principle just the reverse to that above described. Throughout the rest of its life, each adult gets benefit in proportion to merit—reward in proportion to desert: merit and desert in each case being understood as ability to fulfil all the requirements of life—to get food, to find shelter, to escape enemies. Placed in competition with members of its own species and in antagonism with members of other species, it dwindles and gets killed off, or thrives and propagates, according as it is ill-endowed or well-endowed. Manifestly an opposite *régime*, could it be maintained, would, in course of time, be fatal. If the benefits received by each individual were proportionate to its inferiority—if, as a consequence, multiplication of the inferior was furthered, and multiplica-

tion of the superior hindered, progressive degradation would result; and eventually the degenerate species would fail to hold its ground in presence of antagonistic species and competing species.

The broad fact then, here to be noted, is that Nature's modes of treatment inside the family-group and outside the family-group are diametrically opposed to one another; and that the intrusion of either mode into the sphere of the other, would be destructive either immediately or remotely.

Does any one think that the like does not hold of the human species? He cannot deny that within the human family, as within any inferior family, it would be fatal to proportion benefits to merits. Can he assert that outside the family, among adults, there should not be, as throughout the animal world, a proportioning of benefits to merits? Will he contend that no mischief will result if the lowly endowed are enabled to thrive and multiply as much as, or more than, the highly endowed? A society of men, standing towards other societies in relations of either antagonism or competition, may be considered as a species, or, more literally, as a variety of a species; and it must be true of it as of other species or varieties, that it will be unable to hold its own in the struggle with other societies, if it disadvantages its superior units that it may advantage its inferior units. Surely none can fail to see that were the principle of family life to be adopted and fully carried out in social life—were reward always great in proportion as desert was small, fatal results to the society would quickly follow; and if so, then even a partial intrusion of the family *régime* into the *régime* of the State, will be slowly followed by fatal results. Society in its corporate capacity, cannot without immediate or remoter disaster interfere with the play of these opposed principles under which every species has reached such fitness for its mode of life as it possesses, and under which it maintains that fitness.

I say advisedly—society in its corporate capacity; not intending to exclude or condemn aid given to the inferior by the superior in their individual capacities. Though when given so indiscriminately as to enable the inferior to multiply, such aid entails mischief; yet in the absence of aid given by society, individual aid, more generally demanded than now, and associated with a greater sense of responsibility, would, on the average, be given with the effect of fostering the unfortunate worthy rather than the innately unworthy: there being always, too, the concomitant social benefit arising from culture of the sympathies. But all this may be admitted while asserting that the radical distinction between family-ethics and State-ethics must be maintained; and that while generosity must be the essential principle of the one, justice must be the essential principle of the other—a rigorous maintenance of those normal relations among citizens under which each gets in return for his labour, skilled or unskilled, bodily or mental, as much as is proved to be its value by the demand for it: such return, therefore, as will enable him to thrive and rear offspring in proportion to the superiorities which make him valuable to himself and others.

And yet, notwithstanding the conspicuousness of these truths, which should strike everyone who leaves his lexicons, and his law-deeds, and his ledgers, and looks abroad into that natural order of things under which we exist, and to which we must conform, there is continual advocacy of paternal government. The intrusion of family-ethics into the ethics of the State, instead of being regarded as socially injurious, is more and more demanded as the only efficient means to social benefit. So far has this delusion now gone, that it vitiates the beliefs of those who might, more than all others, be thought safe from it. In the essay to which the Cobden Club awarded its prize in 1880, there occurs the assertion that "the truth of Free Trade is clouded over by the *laissez-faire* fallacy;" and we are told that "we need a great deal

more parental government—that bugbear of the old economists." *

Vitally important as is the truth above insisted upon, since acceptance or rejection of it affects the entire fabric of political conclusions formed, I may be excused if I emphasize it by here quoting certain passages contained in a work I published in 1851: premising, only, that the reader must not hold me committed to such teleological implications as they contain. After describing "that state of universal warfare maintained throughout the lower creation," and showing that an average of benefit results from it, I have continued thus:—

"Note further, that their carnivorous enemies not only remove from herbivorous herds individuals past their prime, but also weed out the sickly, the malformed, and the least fleet or powerful. By the aid of which purifying process, as well as by the fighting so universal in the pairing season, all vitiation of the race through the multiplication of its inferior samples is prevented; and the maintenance of a constitution completely adapted to surrounding conditions, and therefore most productive of happiness, is ensured.

"The development of the higher creation is a progress towards a form of being capable of a happiness undiminished by these drawbacks. It is in the human race that the consummation is to be accomplished. Civilization is the last stage of its accomplishment. And the ideal man is the man in whom all the conditions of that accomplishment are fulfilled. Meanwhile, the well-being of existing humanity, and the unfolding of it into this ultimate perfection, are both secured by that same beneficent, though severe discipline, to which the animate creation at large is subject: a discipline which is pitiless in the working out of good: a felicity-pursuing law which never swerves for the avoidance of partial and temporary suffering. The poverty of the incapable, the distresses that come upon the imprudent, the starvation of the idle, and those shoulderings aside of the weak by the strong, which leave so many 'in shallows and in miseries,' are the decrees of a large, far-seeing benevolence."

* * * * * * *

"To become fit for the social state, man has not only to lose his savage-

* *On the Value of Political Economy to Mankind.* By A. N. Cumming, pp. 47, 48.

ness, but he has to acquire the capacities needful for civilized life. Power of application must be developed; such modification of the intellect as shall qualify it for its new tasks must take place; and, above all, there must be gained the ability to sacrifice a small immediate gratification for a future great one. The state of transition will of course be an unhappy state. Misery inevitably results from incongruity between constitution and conditions. All these evils which afflict us, and seem to the uninitiated the obvious consequences of this or that removable cause, are unavoidable attendants on the adaptation now in progress. Humanity is being pressed against the inexorable necessities of its new position—is being moulded into harmony with them, and has to bear the resulting unhappiness as best it can. The process *must* be undergone, and the sufferings *must* be endured. No power on earth, no cunningly-devised laws of statesmen, no world-rectifying schemes of the humane, no communist panaceas, no reforms that men ever did broach or ever will broach, can diminish them one jot. Intensified they may be, and are; and in preventing their intensification, the philanthropic will find ample scope for exertion. But there is bound up with the change a *normal* amount of suffering, which cannot be lessened without altering the very laws of life."

* * * * * * *

"Of course, in so far as the severity of this process is mitigated by the spontaneous sympathy of men for each other, it is proper that it should be mitigated; albeit there is unquestionably harm done when sympathy is shown, without any regard to ultimate results. But the drawbacks hence arising are nothing like commensurate with the benefits otherwise conferred. Only when this sympathy prompts to a breach of equity—only when it originates an interference forbidden by the law of equal freedom—only when, by so doing, it suspends in some particular department of life the relationship between constitution and conditions, does it work pure evil. Then, however, it defeats its own end. Instead of diminishing suffering, it eventually increases it. It favors the multiplication of those worst fitted for existence, and, by consequence, hinders the multiplication of those best fitted for existence—leaving, as it does, less room for them. It tends to fill the world with those to whom life will bring most pain, and tends to keep out of it those to whom life will bring most pleasure. It inflicts positive misery, and prevents positive happiness."—*Social Statics*, pp. 322-5 and pp. 380-1 (edition of 1851).

The lapse of a third of a century since these passages were published, has brought me no reason for retreating from the

position taken up in them. Contrariwise, it has brought a vast amount of evidence strengthening that position. The beneficial results of the survival of the fittest, prove to be immeasurably greater than those above indicated. The process of "natural selection," as Mr. Darwin called it, co-operating with a tendency to variation and to inheritance of variations, he has shown to be a chief cause (though not, I believe, the sole cause) of that evolution through which all living things, beginning with the lowest and diverging and re-diverging as they evolved, have reached their present degrees of organization and adaptation to their modes of life. So familiar has this truth become that some apology seems needed for naming it. And yet, strange to say, now that this truth is recognized by most cultivated people—now that the beneficent working of the survival of the fittest has been so impressed on them that, much more than people in past times, they might be expected to hesitate before neutralizing its action—now more than ever before in the history of the world, are they doing all they can to further survival of the unfittest!

But the postulate that men are rational beings, continually leads one to draw inferences which prove to be extremely wide of the mark.*

"Yes truly; your principle is derived from the lives of brutes, and is a brutal principle. You will not persuade me

* The saying of Emerson that most people can understand a principle only when its light falls on a fact, induces me here to cite a fact which may carry home the above principle to those on whom, in its abstract form, it will produce no effect. It rarely happens that the amount of evil caused by fostering the vicious and good-for-nothing can be estimated. But in America, at a meeting of the States Charities Aid Association, held on December 18, 1874, a startling instance was given in detail by Dr. Harris. It was furnished by a county on the Upper Hudson, remarkable for the ratio of crime and poverty to population. Generations ago there had existed a certain "gutter-child," as she would be here called, known as "Margaret," who proved to be the prolific mother of a prolific race. By-

that men are to be under the discipline which animals are under. I care nothing for your natural-history arguments. My conscience shows me that the feeble and the suffering must be helped; and if selfish people won't help them, they must be forced by law to help them. Don't tell me that the milk of human kindness is to be reserved for the relations between individuals, and that Governments must be the administrators of nothing but hard justice. Every man with sympathy in him must feel that hunger and pain and squalor must be prevented; and that if private agencies do not suffice, then public agencies must be established."

Such is the kind of response which I expect to be made by nine out of ten. In some of them it will doubtless result from a fellow-feeling so acute that they cannot contemplate human misery without an impatience which excludes all thought of remote results. Concerning the susceptibilities of the rest, we may, however, be somewhat sceptical. Persons who are angry if, to maintain our supposed national "interests" or national "*prestige*," those in authority do not send out thousands of men to be partially destroyed while destroying other thousands of men because we suspect their intentions, or dislike their institutions, or want their territory, cannot after all be so tender in feeling that contemplating the hardships of the poor is intolerable to them. Little admiration need be felt for the professed sympathies of people who urge on a policy which breaks up progressing societies; and who then look on with cynical indifference at the weltering confusion left behind, with all its entailed suffering and death. Those who, when Boers, asserting their independ-

---

sides great numbers of idiots, imbeciles, drunkards, lunatics, paupers, and prostitutes, "the county records show two hundred of her descendants who have been criminals." Was it kindness or cruelty which, generation after generation, enabled these to multiply and become an increasing curse to the society around them? [For particulars see *The Jukes: a Study in Crime, Pauperism, Disease and Heredity.* By R. L. Dugdale. New York: Putnams.]

ence, successfully resisted us, were angry because British "honour" was not maintained by fighting to avenge a defeat, at the cost of more mortality and misery to our own soldiers and their antagonists, cannot have so much "enthusiasm of humanity" as protests like that indicated above would lead one to expect. Indeed, along with this sensitiveness which it seems will not let them look with patience on the pains of "the battle of life" as it quietly goes on around, they appear to have a callousness which not only tolerates but enjoys contemplating the pains of battles of the literal kind; as one sees in the demand for illustrated papers containing scenes of carnage, and in the greediness with which detailed accounts of bloody engagements are read. We may reasonably have our doubts about men whose feelings are such that they cannot bear the thought of hardships borne, mostly by the idle and the improvident, and who, nevertheless, have demanded thirty-one editions of *The Fifteen Decisive Battles of the World*, in which they may revel in accounts of slaughter. Nay, even still more remarkable is the contrast between the professed tender-heartedness and the actual hard-heartedness of those who would reverse the normal course of things that immediate miseries may be prevented, even at the cost of greater miseries hereafter produced. For on other occasions you may hear them, with utter disregard of bloodshed and death, contend that in the interests of humanity at large, it is well that the inferior races should be exterminated and their places occupied by the superior races. So that, marvellous to relate, though they cannot bear to think of the evils accompanying the struggle for existence as it is carried on without violence among individuals in their own society, they contemplate with equanimity such evils in their intense and wholesale forms, when inflicted by fire and sword on entire communities. Not worthy of much respect then, as it seems to me, is this generous consideration of the inferior at home which is accompanied by unscrupulous sacrifice of the inferior abroad.

Still less respectable appears this extreme concern for those of our own blood which goes along with utter unconcern for those of other blood, when we observe its methods. Did it prompt personal effort to relieve the suffering, it would rightly receive approving recognition. Were the many who express this cheap pity like the few who devote large parts of their time to aiding and encouraging, and occasionally amusing, those who, by ill-fortune or incapacity, are brought to lives of hardship, they would be worthy of unqualified admiration. The more there are of men and women who help the poor to help themselves—the more there are of those whose sympathy is exhibited directly and not by proxy, the more we may rejoice. But the immense majority of the persons who wish to mitigate by law the miseries of the unsuccessful and the reckless, propose to do this in small measure at their own cost and mainly at the cost of others—sometimes with their assent but mostly without. More than this is true; for those who are to be forced to do so much for the distressed, often equally or more require something doing for them. The deserving poor are among those who are taxed to support the undeserving poor. As, under the old Poor Law, the diligent and provident labourer had to pay that the good-for-nothings might not suffer, until frequently under this extra burden he broke down and himself took refuge in the workhouse—as, at present, the total rates levied in large towns for all public purposes, have reached such a height that they "cannot be exceeded without inflicting great hardship on the small shop-keepers and artisans, who already find it difficult enough to keep themselves free from the pauper taint;" * so in all cases, the policy is one which intensifies the pains of those most deserving of pity, that the pains of those least deserving of pity may be mitigated. Men who are so sympathetic that they cannot let the struggle for existence bring on the un-

* Mr. J. Chamberlain in *Fortnightly Review*, December, 1883, p. 773.

worthy the sufferings consequent on their incapacity or misconduct, are so unsympathetic that they can, deliberately, make the struggle for existence harder for the worthy, and inflict on them and their children artificial evils in addition to the natural evils they have to bear!

And here we are brought round to our original topic—the sins of legislators. Here there comes clearly before us the commonest of the transgressions which rulers commit—a transgression so common, and so sanctified by custom, that no one imagines it to be a transgression. Here we see that, as indicated at the outset, Government, begotten of aggression and by aggression, ever continues to betray its original nature by its aggressiveness; and that even what on its nearer face seems beneficence only, shows, on its remoter face, not a little maleficence—kindness at the cost of cruelty. For is it not cruel to increase the sufferings of the better that the sufferings of the worse may be decreased?

It is, indeed, marvellous how readily we let ourselves be deceived by words and phrases which suggest one aspect of the facts while leaving the opposite aspect unsuggested. A good illustration of this, and one germane to the immediate question, is seen in the use of the words "protection" and "protectionist" by the antagonists of free-trade, and in the tacit admission of its propriety by free-traders. While the one party has habitually ignored, the other party has habitually failed to enphasize, the truth that this so-called protection always involves aggression; and that the name aggressionist ought to be substituted for the name protectionist. For nothing can be more certain than that if, to maintain A's profit, B is forbidden to buy of C, or is fined to the extent of the duty if he buys of C, then B is aggressed upon that A may be "protected." Nay, "aggressionists" is a title doubly more applicable to the anti-free-traders than is the euphemistic title "protectionists;" since, that one producer may gain, ten consumers are fleeced.

Now just the like confusion of ideas, caused by looking at one face only of the transaction, may be traced throughout all the legislation which forcibly takes the property of this man for the purpose of giving gratis benefits to that man. Habitually when one of the numerous measures thus characterized is discussed, the dominant thought is concerning the pitiable Jones who is to be protected against some evil; while no thought is given to the hard-working Brown who is aggressed upon, often much more to be pitied. Money is exacted (either directly or through raised rent) from the huckster who only by extreme pinching can pay her way, from the mason thrown out of work by a strike, from the mechanic whose savings are melting away during an illness, from the widow who washes or sews from dawn to dark to feed her fatherless little ones; and all that the dissolute may be saved from hunger, that the children of less impoverished neighbours may have cheap lessons, and that various people, mostly better off, may read newspapers and novels for nothing! The error of nomenclature is, in one respect, more misleading than that which allows aggressionists to be called protectionists; for, as just shown, protection of the vicious poor involves aggression on the virtuous poor. Doubtless it is true that the greater part of the money exacted comes from those who are relatively well-off. But this is no consolation to the ill-off from whom the rest is exacted. Nay, if the comparison be made between the pressures borne by the two classes respectively, it becomes manifest that the case is even worse than at first appears; for while to the well-off the exaction means loss of luxuries, to the ill-off it means loss of necessaries.

And now see the Nemesis which is threatening to follow this chronic sin of legislators. They and their class, in common with all owners of property, are in danger of suffering from a sweeping application of that general principle practically asserted by each of these confiscating Acts of Parliament. For what is the tacit assumption on which such Acts

proceed? It is the assumption that no man has any claim to his property, not even to that which he has earned by the sweat of his brow, save by permission of the community; and that the community may cancel the claim to any extent it thinks fit. No defence can be made for this appropriation of A's possessions for the benefit of B, save one which sets out with the postulate that society as a whole has an absolute right over the possessions of each member. And now this doctrine, which has been tacitly assumed, is being openly proclaimed. Mr. George and his friends, Mr. Hyndman and his supporters, are pushing the theory to its logical issue. They have been instructed by examples, yearly increasing in number, that the individual has no rights but what the community may equitably over-ride; and they are now saying—"It shall go hard but we will better the instruction," and abolish individual rights altogether.

Legislative misdeeds of the classes above indicated are in large measure explained, and reprobation of them mitigated, when we look at the matter from afar off. They have their root in the error that society is a manufacture; whereas it is a growth. Neither the culture of past times nor the culture of the present time, has given to any considerable number of people a scientific conception of a society—a conception of it as having a natural structure in which all its institutions, governmental, religious, industrial, commercial, &c., are interdependently bound—a structure which is in a sense organic. Or if such a conception is nominally entertained, it is not entertained in such way as to be operative on conduct. Contrariwise, incorporated humanity is very commonly thought of as though it were like so much dough which the cook can mould as she pleases into pie-crust, or puff, or tartlet. The communist shows us unmistakably that he thinks of the body politic as admitting of being shaped thus or thus at will; and the tacit implication of many Acts of Parliament is that

I say advisedly—society in its corporate capacity; not intending to exclude or condemn aid given to the inferior by the superior in their individual capacities. Though when given so indiscriminately as to enable the inferior to multiply, such aid entails mischief; yet in the absence of aid given by society, individual aid, more generally demanded than now, and associated with a greater sense of responsibility, would, on the average, be given with the effect of fostering the unfortunate worthy rather than the innately unworthy: there being always, too, the concomitant social benefit arising from culture of the sympathies. But all this may be admitted while asserting that the radical distinction between family-ethics and State-ethics must be maintained; and that while generosity must be the essential principle of the one, justice must be the essential principle of the other—a rigorous maintenance of those normal relations among citizens under which each gets in return for his labour, skilled or unskilled, bodily or mental, as much as is proved to be its value by the demand for it: such return, therefore, as will enable him to thrive and rear offspring in proportion to the superiorities which make him valuable to himself and others.

And yet, notwithstanding the conspicuousness of these truths, which should strike everyone who leaves his lexicons, and his law-deeds, and his ledgers, and looks abroad into that natural order of things under which we exist, and to which we must conform, there is continual advocacy of paternal government. The intrusion of family-ethics into the ethics of the State, instead of being regarded as socially injurious, is more and more demanded as the only efficient means to social benefit. So far has this delusion now gone, that it vitiates the beliefs of those who might, more than all others, be thought safe from it. In the essay to which the Cobden Club awarded its prize in 1880, there occurs the assertion that "the truth of Free Trade is clouded over by the *laissez-faire* fallacy;" and we are told that "we need a great deal

more parental government—that bugbear of the old economists." *

Vitally important as is the truth above insisted upon, since acceptance or rejection of it affects the entire fabric of political conclusions formed, I may be excused if I emphasize it by here quoting certain passages contained in a work I published in 1851: premising, only, that the reader must not hold me committed to such teleological implications as they contain. After describing "that state of universal warfare maintained throughout the lower creation," and showing that an average of benefit results from it, I have continued thus:—

"Note further, that their carnivorous enemies not only remove from herbivorous herds individuals past their prime, but also weed out the sickly, the malformed, and the least fleet or powerful. By the aid of which purifying process, as well as by the fighting so universal in the pairing season, all vitiation of the race through the multiplication of its inferior samples is prevented; and the maintenance of a constitution completely adapted to surrounding conditions, and therefore most productive of happiness, is ensured.

"The development of the higher creation is a progress towards a form of being capable of a happiness undiminished by these drawbacks. It is in the human race that the consummation is to be accomplished. Civilization is the last stage of its accomplishment. And the ideal man is the man in whom all the conditions of that accomplishment are fulfilled. Meanwhile, the well-being of existing humanity, and the unfolding of it into this ultimate perfection, are both secured by that same beneficent, though severe discipline, to which the animate creation at large is subject: a discipline which is pitiless in the working out of good: a felicity-pursuing law which never swerves for the avoidance of partial and temporary suffering. The poverty of the incapable, the distresses that come upon the imprudent, the starvation of the idle, and those shoulderings aside of the weak by the strong, which leave so many 'in shallows and in miseries,' are the decrees of a large, far-seeing benevolence."

* * * * * * *

"To become fit for the social state, man has not only to lose his savage-

* *On the Value of Political Economy to Mankind.* By A. N. Cumming, pp. 47, 48.

cult having in all places the same fundamental traits; the traces of division of labour, early displayed, which gradually become more marked; and the various complications, political, ecclesiastical, industrial, which arise as groups are compounded and re-compounded by war; prove to any who compare them that, apart from all their special differences, societies have general resemblances in their modes of origin and development. They present traits of structure showing that social organization has laws which over-ride individual wills; and laws the disregard of which must be fraught with disaster.

And then, in the third place, there is that mass of guiding information yielded by the records of legislation in our own country and in other countries, which still more obviously demands attention. Here and elsewhere, attempts of multitudinous kinds, made by kings and statesmen, have failed to do the good intended and have worked unexpected evils. Century after century new measures like the old ones, and other measures akin in principle, have again disappointed hopes and again brought disaster. And yet it is thought neither by electors nor by those they elect, that there is any need for systematic study of that law-making which in bygone ages went on working the ill-being of the people when it tried to achieve their well-being. Surely there can be no fitness for legislative functions without wide knowledge of those legislative experiences which the past has bequeathed.

Reverting, then, to the analogy drawn at the outset, we must say that the legislator is morally blameless or morally blameworthy, according as he has or has not acquainted himself with these several classes of facts. A physician who, after years of study, has gained a competent knowledge of physiology, pathology, and therapeutics, is not held criminally responsible if a man dies under his treatment: he has prepared himself as well as he can, and has acted to the best of his judgment. Similarly the legislator whose measures produce evil instead of good, notwithstanding the extensive

and methodic inquiries which helped him to decide, cannot be held to have committed more than an error of reasoning. Contrariwise, the legislator who is wholly or in great part uninformed concerning the masses of facts which he must examine before his opinion on a proposed law can be of any value, and who nevertheless helps to pass that law, can no more be absolved if misery and mortality result, than the journeyman druggist can be absolved when death is caused by the medicine he ignorantly prescribes.

THE GREAT POLITICAL SUPERSTITION.

THE great political superstition of the past was the divine right of kings. The great political superstition of the present is the divine right of parliaments. The oil of anointing seems unawares to have dripped from the head of the one on to the heads of the many, and given sacredness to them also and to their decrees.

However irrational we may think the earlier of these beliefs, we must admit that it was more consistent than is the latter. Whether we go back to times when the king was a god, or to times when he was a descendant of a god, or to times when he was god-appointed, we see good reason for passive obedience to his will. When, as under Louis XIV., theologians like Bossuet taught that kings "are gods, and share in a manner the Divine independence," or when it was thought, as by our own Tory party in old days, that "the monarch was the delegate of heaven;" it is clear that, given the premise, the inevitable conclusion was that no bounds could be set to governmental commands. But for the modern belief such a warrant does not exist. Making no pretention to divine descent or divine appointment, a legislative body can show no supernatural justification for its claim to unlimited authority; and no natural justification has ever been attempted. Hence, belief in its unlimited authority is without that consistency which of old characterized belief in a king's unlimited authority.

It is curious how commonly men continue to hold in fact,

doctrines which they have rejected in name—retaining the substance after they have abandoned the form. In Theology an illustration is supplied by Carlyle, who, in his student days, giving up, as he thought, the creed of his fathers, rejected its shell only, keeping the contents; and was proved by his conceptions of the world, and man, and conduct, to be still among the sternest of Scotch Calvinists. Similarly, Science furnishes an instance in one who united naturalism in Geology with supernaturalism in Biology—Sir Charles Lyell. While, as the leading expositor of the uniformitarian theory in Geology, he ignored only the Mosaic cosmogony, he long defended that belief in special creations of organic types, for which no other source than the Mosaic cosmogony could be assigned; and only in the latter part of his life surrendered to the arguments of Mr. Darwin. In Politics, as above implied, we have an analogous case. The tacitly-asserted doctrine, common to Tories, Whigs, and Radicals, that governmental authority is unlimited, dates back to times when the law-giver was supposed to have a warrant from God; and it survives still, though the belief that the law-giver has God's warrant has died out. "Oh, an Act of Parliament can do anything," is the reply made to a citizen who questions the legitimacy of some arbitrary State-interference; and the citizen stands paralyzed. It does not occur to him to ask the how, and the when, and the whence, of this asserted omnipotence bounded only by physical impossibilities.

Here we will take leave to question it. In default of the justification, once logically valid, that the ruler on Earth being a deputy of the ruler in Heaven, submission to him in all things is a duty, let us ask what reason there is for asserting the duty of submission in all things to a ruling power, constitutional or republican, which has no Heavenly-derived supremacy. Evidently this inquiry commits us to a criticism of past and present theories concerning political authority. To revive questions supposed to be long since settled, may be thought to need some apology; but there is a sufficient apology

in the implication above made clear, that the theory commonly accepted is ill-based or unbased.

The notion of sovereignty is that which first presents itself; and a critical examination of this notion, as entertained by those who do not assume the supernatural origin of sovereignty, carries us back to the arguments of Hobbes.

Let us grant Hobbes's postulate that, "during the time men live without a common power to keep them all in awe, they are in that condition which is called war . . . . of every man against every man;"* though this is not true, since there are some small uncivilized societies in which, without any "common power to keep them all in awe," men maintain peace and harmony better than it is maintained in societies where such a power exists. Let us suppose him to be right too, in assuming that the rise of a ruling man over associated men, results from their desires to preserve order among themselves; though, in fact, it habitually arises from the need for subordination to a leader in war, defensive or offensive, and has originally no necessary, and often no actual, relation to the preservation of order among the combined individuals. Once more, let us admit the indefensible assumption that to escape the evils of chronic conflicts, which must otherwise continue among them, the members of a community enter into a "pact or covenant," by which they all bind themselves to surrender their primitive freedom of action, and subordinate themselves to the will of an autocrat agreed upon:† accepting, also, the implication that their descendants for ever are bound by the covenant which remote ancestors made for them. Let us, I say, not object to these data, but pass to the conclusions Hobbes draws. He says:—

---

* T. Hobbes, *Collected Works*, vol. iii. pp. 112–13.

† *Ibid.*, p. 159.

"For where no covenant hath preceded, there hath no right been transferred, and every man has a right to everything; and consequently, no action can be unjust. But when a covenant is made, then to break it is *unjust:* and the definition of INJUSTICE, is no other than *the not performance of covenant.* . . . . Therefore before the names of just and unjust can have place, there must be some coercive power, to compel men equally to the performance of their covenants, by the terror of some punishment, greater than the benefit they expect by the breach of their covenant."*

Were people's characters in Hobbes's day really so bad as to warrant his assumption that none would perform their covenants in the absence of a coercive power and threatened penalties? In our day "the names of just and unjust can have place" quite apart from recognition of any coercive power. Among my friends I could name several whom I would implicitly trust to perform their covenants without any "terror of such punishment;" and over whom the requirements of justice would be as imperative in the absence of a coercive power as in its presence. Merely noting, however, that this unwarranted assumption vitiates Hobbes's argument for State-authority, and accepting both his premises and conclusion, we have to observe two significant implications. One is that State-authority as thus derived, is a means to an end, and has no validity save as subserving that end: if the end is not subserved, the authority, by the hypothesis, does not exist. The other is that the end for which the authority exists, as thus specified, is the enforcement of justice—the maintenance of equitable relations. The reasoning yields no warrant for other coercion over citizens than that which is required for preventing direct aggressions, and those indirect aggressions constituted by breaches of contract; to which, if we add protection against external enemies, the entire function implied by Hobbes's derivation of sovereign authority is comprehended.

* Hobbes, *Collected Works*, vol. iii. pp. 130–1.

Hobbes argued in the interests of absolute monarchy. His modern admirer, Austin, had for his aim to derive the authority of law from the unlimited sovereignty of one man, or a number of men, small or large compared with the whole community. Austin was originally in the army; and it has been truly remarked that "the permanent traces left" may be seen in his *Province of Jurisprudence*. When, undeterred by the exasperating pedantries—the endless distinctions and definitions and repetitions—which served but to hide his essential doctrines, we ascertain what these are, it becomes manifest that he assimilates civil authority to military authority; taking for granted that the one, as the other, is above question in respect of both origin and range. To get justification for positive law, he takes us back to the absolute sovereignty of the power imposing it—a monarch, an aristocracy, or that larger body of men who have votes in a democracy; for such a body also, he styles the sovereign, in contrast with the remaining portion of the community which, from incapacity or other cause, remains subject. And having affirmed, or, rather, taken for granted, the unlimited authority of the body, simple or compound, small or large, which he styles sovereign, he, of course, has no difficulty in deducing the legal validity of its edicts, which he calls positive law. But the problem is simply moved a step further back and there left unsolved. The true question is—Whence the sovereignty? What is the assignable warrant for this unqualified supremacy assumed by one, or by a small number, or by a large number, over the rest? A critic might fitly say—"We will dispense with your process of deriving positive law from unlimited sovereignty: the sequence is obvious enough. But first prove your unlimited sovereignty."

To this demand there is no response. Analyze his assumption, and the doctrine of Austin proves to have no better basis than that of Hobbes. In the absence of admitted divine descent or appointment, neither single-headed ruler nor

many-headed ruler can produce such credentials as the claim to unlimited sovereignty implies.

"But surely," will come in deafening chorus the reply, "there is the unquestionable right of the majority, which gives unquestionable right to the parliament it elects."

Yes, now we are coming down to the root of the matter. The divine right of parliaments means the divine right of majorities. The fundamental assumption made by legislators and people alike, is that a majority has powers which have no bounds. This is the current theory which all accept without proof as a self-evident truth. Nevertheless, criticism will, I think, show that this current theory requires a radical modification.

In an essay on "Railway Morals and Railway Policy," published in the *Edinburgh Review* for October, 1854, I had occasion to deal with the question of a majority's powers as exemplified in the conduct of public companies; and I cannot better prepare the way for conclusions presently to be drawn, than by quoting a passage from it:—

"Under whatever circumstances, or for whatever ends, a number of men co-operate, it is held that if difference of opinion arises among them, justice requires that the will of the greater number shall be executed rather than that of the smaller number; and this rule is supposed to be uniformly applicable, be the question at issue what it may. So confirmed is this conviction, and so little have the ethics of the matter been considered, that to most this mere suggestion of a doubt will cause some astonishment. Yet it needs but a brief analysis to show that the opinion is little better than a political superstition. Instances may readily be selected which prove, by *reductio ad absurdum*, that the right of a majority is a purely conditional right, valid only within specific limits. Let us take a few. Suppose that at the general meeting of some philanthropic association, it was resolved that in addition to relieving distress the association should employ home-missionaries to preach down popery. Might the subscriptions of Catholics, who had joined the body with charitable views, be rightfully used for this end? Suppose that of the members of a book-club, the greater number, thinking that under existing circumstances rifle-practice was

more important than reading, should decide to change the purpose of their union, and to apply the funds in hand for the purchase of powder, ball, and targets. Would the rest be bound by this decision? Suppose that under the excitement of news from Australia, the majority of a Freehold Land Society should determine, not simply to start in a body for the gold-diggings, but to use their accumulated capital to provide outfits. Would this appropriation of property be just to the minority? and must these join the expedition? Scarcely anyone would venture an affirmative answer even to the first of these questions; much less to the others. And why? Because everyone must perceive that by uniting himself with others, no man can equitably be betrayed into acts utterly foreign to the purpose for which he joined them. Each of these supposed minorities would properly reply to those seeking to coerce them:—'We combined with you for a defined object; we gave money and time for the furtherance of that object; on all questions thence arising we tacitly agreed to conform to the will of the greater number; but we did not agree to conform on any other questions. If you induce us to join you by professing a certain end, and then undertake some other end of which we were not apprised, you obtain our support under false pretences; you exceed the expressed or understood compact to which we committed ourselves; and we are no longer bound by your decisions.' Clearly this is the only rational interpretation of the matter. The general principle underlying the right government of every incorporated body, is, that its members contract with one another severally to submit to the will of the majority in all matters concerning the fulfilment of the objects for which they are incorporated; but in no others. To this extent only can the contract hold. For as it is implied in the very nature of a contract, that those entering into it must know what they contract to do; and as those who unite with others for a specified object, cannot contemplate all the unspecified objects which it is hypothetically possible for the union to undertake; it follows that the contract entered into cannot extend to such unspecified objects. And if there exists no expressed or understood contract between the union and its members respecting unspecified objects, then for the majority to coerce the minority into undertaking them, is nothing less than gross tyranny."

Naturally, if such a confusion of ideas exists in respect of the powers of a majority where the deed of incorporation tacitly limits those powers, still more must there exist such a confusion where there has been no deed of incorporation. Nevertheless the same principle holds. I again emphasize

the proposition that the members of an incorporated body are bound "severally to submit to the will of the majority *in all matters concerning the fulfilment of the objects for which they are incorporated; but in no others.*" And I contend that this holds of an incorporated nation as much as of an incorporated company.

"Yes, but," comes the obvious rejoinder, "as there is no deed by which the members of a nation are incorporated—as there neither is, nor ever was, a specification of purposes for which the union was formed, there exist no limits; and, consequently, the power of the majority is unlimited."

Evidently it must be admitted that the hypothesis of a social contract, either under the shape assumed by Hobbes or under the shape assumed by Rousseau, is baseless. Nay more, it must be admitted that even had such a contract once been formed, it could not be binding on the posterity of those who formed it. Moreover, if any say that in the absence of those limitations to its powers which a deed of incorporation might imply, there is nothing to prevent a majority from imposing its will on a minority by force, assent must be given —an assent, however, joined with the comment that if the superior force of the majority is its justification, then the superior force of a despot backed by an adequate army, is also justified; the problem lapses. What we here seek is some higher warrant for the subordination of minority to majority than that arising from inability to resist physical coercion. Even Austin, anxious as he is to establish the unquestionable authority of positive law, and assuming, as he does, an absolute sovereignty of some kind, monarchic, aristocratic, constitutional, or popular, as the source of its unquestionable authority, is obliged, in the last resort, to admit a moral limit to its action over the community. While insisting, in pursuance of his rigid theory of sovereignty, that a sovereign body originating from the people "is *legally* free to abridge their political liberty, at its own pleasure or discretion," he allows that "a government may be hindered by

positive morality from abridging the political liberty which it leaves or grants to its subjects."* Hence, we have to find, not a physical justification, but a moral justification, for the supposed absolute power of the majority.

This will at once draw forth the rejoinder—"Of course, in the absence of any agreement, with its implied limitations, the rule of the majority is unlimited; because it is more just that the majority should have its way than that the minority should have its way." A very reasonable rejoinder this seems until there comes the re-rejoinder. We may oppose to it the equally tenable proposition that, in the absence of an agreement, the supremacy of a majority over a minority does not exist at all. It is co-operation of some kind, from which there arises these powers and obligations of majority and minority; and in the absence of any agreement to co-operate, such powers and obligations are also absent.

Here the argument apparently ends in a dead lock. Under the existing condition of things, no moral origin seems assignable, either for the sovereignty of the majority or for the limitation of its sovereignty. But further consideration reveals a solution of the difficulty. For if, dismissing all thought of any hypothetical agreement to co-operate heretofore made, we ask what would be the agreement into which citizens would now enter with practical unanimity, we get a sufficiently clear answer; and with it a sufficiently clear justification for the rule of the majority inside a certain sphere but not outside that sphere. Let us first observe a few of the limitations which at once become apparent.

Were all Englishmen now asked if they would agree to co-operate for the teaching of religion, and would give the majority power to fix the creed and the forms of worship, there would come a very emphatic "No" from a large part of them. If, in pursurance of a proposal to revive sumptuary laws, the inquiry were made whether they would bind them-

* *The Province of Jurisprudence Determined.* Second Edition, p. 241.

selves to abide by the will of the majority in respect of the fashions and qualities of their clothes, nearly all of them would refuse. In like manner if (to take an actual question of the day) people were polled to ascertain whether, in respect of the beverages they drank, they would accept the decision of the greater number, certainly half, and probably more than half, would be unwilling. Similarly with respect to many other actions which most men now-a-days regard as of purely private concern. Whatever desire there might be to co-operate for carrying on, or regulating, such actions, would be far from a unanimous desire. Manifestly, then, had social co-operation to be commenced by ourselves, and had its purposes to be specified before consent to co-operate could be obtained, there would be large parts of human conduct in respect of which co-operation would be declined; and in respect of which, consequently, no authority by the majority over the minority could be rightly exercised.

Turn now to the converse question—For what ends would all men agree to co-operate? None will deny that for resisting invasion the agreement would be practically unanimous. Excepting only the Quakers, who, having done highly useful work in their time, are now dying out, all would unite for defensive war (not, however, for offensive war); and they would, by so doing, tacitly bind themselves to conform to the will of the majority in respect of measures directed to that end. There would be practical unanimity, also, in the agreement to co-operate for defence against internal enemies as against external enemies. Omitting criminals, all must wish to have person and property adequately protected. Each citizen desires to preserve his life, to preserve things which conduce to maintenance and enjoyment of his life, and to preserve intact his liberties both of using these things and getting further such. It is obvious to him that he cannot do all this if he acts alone. Against foreign invaders he is powerless unless he combines with his fellows; and the business of protecting himself against domestic invaders, if

he did not similarly combine, would be alike onerous, dangerous, and inefficient. In one other co-operation all are interested—use of the territory they inhabit. Did the primitive communal ownership survive, there would survive the primitive communal control of the uses to be made of land by individuals or by groups of them; and decisions of the majority would rightly prevail respecting the terms on which portions of it might be employed for raising food, for making means of communication, and for other purposes. Even at present, though the matter has been complicated by the growth of private landownership, yet, since the State is still supreme owner (every landlord being in law a tenant of the Crown) able to resume possession, or authorize compulsory purchase, at a fair price; the implication is that the will of the majority is valid respecting the modes in which, and conditions under which, parts of the surface or sub-surface, may be utilized: involving certain agreements made on behalf of the public with private persons and companies.

Details are not needful here; nor is it needful to discuss that border region lying between these two classes of cases, and to say how much is included in the last and how much is excluded with the first. For present purposes, it is sufficient to recognize the undeniable truth that there are numerous kinds of actions in respect of which men would not, if they were asked, agree with anything like unanimity to be bound by the will of the majority; while there are some kinds of actions in respect of which they would almost unanimously agree to be thus bound. Here, then, we find a definite warrant for enforcing the will of the majority within certain limits, and a definite warrant for denying the authority of its will beyond those limits.

But evidently, when analyzed, the question resolves itself into the further question—What are the relative claims of the aggregate and of its units? Are the rights of the community universally valid against the individual? or has the individual some rights which are valid against the com-

munity? The judgment given on this point underlies the entire fabric of political convictions formed, and more especially those convictions which concern the proper sphere of government. Here, then, I propose to revive a dormant controversy, with the expectation of reaching a different conclusion from that which is fashionable.

Says Professor Jevons, in his work, *The State in Relation to Labour*,—"The first step must be to rid our minds of the idea that there are any such things in social matters as abstract rights." Of like character is the belief expressed by Mr. Matthew Arnold in his article on Copyright:—"An author has no natural right to a property in his production. But then neither has he a natural right to anything whatever which he may produce or acquire." * So, too, I recently read in a weekly journal of high repute, that "to explain once more that there is no such thing as 'natural right' would be a waste of philosophy." And the view expressed in these extracts is commonly uttered by statesmen and lawyers in a way implying that only the unthinking masses hold any other.

One might have expected that utterances to this effect would have been rendered less dogmatic by the knowledge that a whole school of legists on the Continent, maintains a belief diametrically opposed to that maintained by the English school. The idea of *Natur-recht* is the root-idea of German jurisprudence. Now whatever may be the opinion held respecting German philosophy at large, it cannot be characterised as shallow. A doctrine current among a people distinguished above all others as laborious inquirers, and certainly not to be classed with superficial thinkers, should not be dismissed as though it were nothing more than a popular delusion. This, however, by the way. Along with the proposition denied in the above quotations, there goes a

* *Fortnightly Review*, 1880, vol. xxvii. p. 322.

counter-proposition affirmed. Let us see what it is; and what results when we go behind it and seek its warrant.

On reverting to Bentham, we find this counter-proposition openly expressed. He tells us that government fulfils its office "by creating rights which it confers upon individuals: rights of personal security; rights of protection for honour: rights of property;" &c.* Were this doctrine asserted as following from the divine right of kings, there would be nothing in it manifestly incongruous. Did it come to us from ancient Peru, where the Ynca "was the source from which everything flowed;" † or from Shoa (Abyssinia), where "of their persons and worldly substance he [the King] is absolute master;" ‡ or from Dahome, where "all men are slaves to the king;" * it would be consistent enough. But Bentham, far from being an absolutist like Hobbes, wrote in the interests of popular rule. In his *Constitutional Code* he fixes the sovereignty in the whole people; arguing that it is best "to give the sovereign power to the largest possible portion of those whose greatest happiness is the proper and chosen object," because "this proportion is more apt than any other that can be proposed" for achievement of that object.

Mark, now, what happens when we put these two doctrines together. The sovereign people jointly appoint representatives, and so create a government; the government thus created, creates rights; and then, having created rights, it confers them on the separate members of the sovereign people by which it was itself created. Here is a marvellous piece of political legerdemain! Mr. Matthew Arnold, contending, in the article above quoted, that "property is the creation of law," tells us to beware of the "metaphysical

* Bentham's Works (Bowring's edition), vol. i. p. 301.

† W. H. Prescott, *Conquest of Peru*, bk. i. ch. i.

‡ J. Harris, *Highlands of Æthiopia*, ii. 94.

* R. F. Burton, *Mission to Gelele, King of Dahome*, i. p. 226.

‖ Bentham's Works, vol. ix. p. 97.

phantom of property in itself." Surely, among metaphysical phantoms the most shadowy is this which supposes a thing to be obtained by creating an agent, which creates the thing, and then confers the thing on its own creator!

From whatever point of view we consider it, Bentham's proposition proves to be unthinkable. Government, he says, fulfils its office "by creating rights." Two meanings may be given to the word "creating." It may be supposed to mean the production of something out of nothing; or it may be supposed to mean the giving form and structure to something which already exists. There are many who think that the production of something out of nothing cannot be conceived as effected even by omnipotence; and probably none will assert that the production of something out of nothing is within the competence of a human government. The alternative conception is that a human government creates only in the sense that it shapes something pre-existing. In that case, the question arises—"What is the something pre-existing which it shapes?" Clearly the word "creating" begs the whole question—passes off an illusion on the unwary reader. Bentham was a stickler for definiteness of expression, and in his *Book of Fallacies* has a chapter on "Impostor-terms." It is curious that he should have furnished so striking an illustration of the perverted belief which an impostor-term may generate.

But now let us overlook these various impossibilities of thought, and seek the most defensible interpretation of Bentham's view.

It may be said that the totality of all powers and rights, originally exists as an undivided whole in the sovereign people; and that this undivided whole is given in trust (as Austin would say) to a ruling power, appointed by the sovereign people, for the purpose of distribution. If, as we have seen, the proposition that rights are created is simply a figure of speech; then the only intelligible construction of Bentham's view is that a multitude of individuals, who severally wish to

satisfy their desires, and have, as an aggregate, possession of all the sources of satisfaction, as well as power over all individual actions, appoint a government, which declares the ways in which, and the conditions under which, individual actions may be carried on and the satisfactions obtained. Let us observe the implications. Each man exists in two capacities. In his private capacity he is subject to the government. In his public capacity he is one of the sovereign people who appoint the government. That is to say, in his private capacity he is one of those to whom rights are given; and in his public capacity he is one of those who, through the government they appoint, give the rights. Turn this abstract statement into a concrete statement, and see what it means. Let the community consist of a million men, who, by the hypothesis, are not only joint possessors of the inhabited region, but joint possessors of all liberties of action and appropriation: the only right recognized being that of the aggregate to everything. What follows? Each person, while not owning any product of his own labour, has, as a unit in the sovereign body, a millionth part of the ownership of the products of all others' labour. This is an unavoidable implication. As the government, in Bentham's view, is but an agent; the rights it confers are rights given to it in trust by the sovereign people. If so, such rights must be possessed *en bloc* by the sovereign people before the government, in fulfilment of its trust, confers them on individuals; and, if so, each individual has a millionth portion of these rights in his public capacity, while he has no rights in his private capacity. These he gets only when all the rest of the million join to endow him with them; while he joins to endow with them every other member of the million!

Thus, in whatever way we interpret it, Bentham's proposition leaves us in a plexus of absurdities.

Even though ignoring the opposite opinion of German and French writers on jurisprudence, and even without an

analysis which proves their own opinion to be untenable, Bentham's disciples might have been lead to treat less cavalierly the doctrine of natural rights. For sundry groups of social phenomena unite to prove that this doctrine is well warranted, and the doctrine they set against it unwarranted.

Tribes all over the world show us that before definite government arises, conduct is regulated by customs. The Bechuanas are controlled by "long-acknowledged customs." * Among the Koranna Hottentots, who only "tolerate their chiefs rather than obey them," † "when ancient usages are not in the way, every man seems to act as is right in his own eyes." ‡ The Araucanians are guided by "nothing more than primordial usuages or tacit conventions." # Among the Kirghizes the judgments of the elders are based on "universally-recognized customs." ‖ Similarly of the Dyaks, Rajah Brooke says that "custom seems simply to have become the law; and breaking custom leads to a fine." ^ So sacred are immemorial customs with the primitive man, that he never dreams of questioning their authority; and when government arises, its power is limited by them. In Madagascar the king's word suffices only "where there is no law, custom, or precedent." ◊ Raffles tells us that in Java "the customs of the country" ‡ restrain the will of the ruler. In Sumatra, too, the people do not allow their chiefs to "alter their ancient usages." ‡ Nay, occasionally, as in Ashantee,

---

* W. J. Burchell, *Travels into the Interior of Southern Africa*, vol. i. p. 544.

† Arbousset and Daumas, *Voyage of Exploration*, p. 27.

‡ G. Thompson, *Travels and Adventures in Southern Africa*, vol. ii. p. 30.

G. A. Thompson, *Alcedo's Geographical and Historical Dictionary of America*, vol. i. p. 405.

‖ Alex. Michie, *Siberian Overland Route*, p. 248.

^ C. Brooke, *Ten Years in Sarâwak*, vol. i. p. 129.

◊ W. Ellis, *History of Madagascar*, vol. i. p. 377.

‡ Sir T. S. Raffles, *History of Java*, i. 274.

‡ W. Marsden, *History of Sumatra*, p. 217.

"the attempt to change some customs" has caused a king's dethronement.* Now, among the customs which we thus find to be pre-governmental, and which subordinate governmental power when it is established, are those which recognize certain individual rights—rights to act in certain ways and possess certain things. Even where the recognition of of property is least developed, there is proprietorship of weapons, tools, and personal ornaments; and, generally, the recognition goes far beyond this. Among such North-American Indians as the Snakes, who are without Government, there is private ownership of horses. By the Chippewayans, "who have no regular government," game taken in private traps "is considered as private property."† Kindred facts concerning huts, utensils, and other personal belongings, might be brought in evidence from accounts of the Ahts, the Comanches, the Esquimaux, and the Brazilian Indians. Among various uncivilized peoples, custom has established the claim to the crop grown on a cleared plot of ground, though not to the ground itself; and the Todas, who are wholly without political organization, make a like distinction between ownership of cattle and of land. Kolff's statement respecting "the peaceful Arafuras" well sums up the evidence. They "recognize the right of property in the fullest sense of the word, without their being any [other] authority among them than the decisions of their elders, according to the customs of their forefathers."‡ But even without seeking proofs among the uncivilized, sufficient proofs are furnished by early stages of the civilized. Bentham and his followers seem to have forgotten that our own common law is mainly an embodiment of "the customs of the realm." It did but give definite shape to that which it found existing. Thus, the fact and the fiction are exactly

* J. Beecham, *Ashantee and the Gold Coast*, p. 90.

† H. R. Schoolcraft, *Expedition to the Sources of the Mississippi River*, v. 177.

‡ G. W. Earl's *Kolff's Voyage of the Dourga*, p. 161.

opposite to what they allege. The fact is that property was well recognized before law existed; the fiction is that "property is the creation of law." These writers and statesmen who with so much scorn undertake to instruct the ignorant herd, themselves stand in need of instruction.

Considerations of another class might alone have led them to pause. Were it true, as alleged by Bentham, that Government fulfils its office "by creating rights which it confers on individuals;" then, the implication would be, that there should be nothing approaching to uniformity in the rights conferred by different governments. In the absence of a determining cause over-ruling their decisions, the probabilities would be many to one against considerable correspondence among their decisions. But there is very great correspondence. Look where we may, we find that governments interdict the same kinds of aggressions; and, by implication, recognize the same kinds of claims. They habitually forbid homicide, theft, adultery: thus asserting that citizens may not be trespassed against in certain ways. And as society advances, minor individual claims are protected by giving remedies for breach of contract, libel, false witness, &c. In a word, comparisons show that though codes of law differ in their details as they become elaborated, they agree in their fundamentals. What does this prove? It cannot be by chance that they thus agree. They agree because the alleged creating of rights was nothing else than giving formal sanction and better definition to those assertions of claims and recognitions of claims which naturally originate from the individual desires of men who have to live in presence of one another.

Comparative Sociology discloses another group of facts having the same implication. Along with social progress it becomes in an increasing degree the business of the State, not only to give formal sanction to men's rights, but also to defend them against aggressors. Before permanent government exists, and in many cases after it is considerably developed, the rights of each individual are asserted and main-

tained by himself, or by his family. Alike among savage tribes at present, among civilized peoples in the past, and even now in unsettled parts of Europe, the punishment for murder is a matter of private concern; "the sacred duty of blood revenge" devolves on some one of a cluster of relatives. Similarly, compensations for aggressions on property and for injuries of other kinds, are in early states of society independently sought by each man or family. But as social organization advances, the central ruling power undertakes more and more to secure to individuals their personal safety, the safety of their possessions, and, to some extent, the enforcement of their claims established by contract. Originally concerned almost exclusive with defence of the society as a whole against other societies, or with conducting its attacks on other societies, Government has come more and more to discharge the function of defending individuals against one another. It needs but to recall the days when men habitually carried weapons, or to bear in mind the greater safety to person and property achieved by improved police-administration during our own time, or to note the facilities now given for recovering small debts, to see that the insuring to each individual the unhindered pursuit of the objects of life, within limits set by others' like pursuits, is increasingly recognized as a duty of the State. In other words, along with social progress, there goes not only a fuller recognition of these which we call natural rights, but also a better enforcement of them by Government: Government becomes more and more the servant to these essential pre-requisites for individual welfare.

An allied and still more significant change has accompanied this. In early stages, at the same time that the State failed to protect the individual against aggression, it was itself an aggressor in multitudinous ways. Those ancient societies which advanced far enough to leave records, having all been conquering societies, show us everywhere the traits of the militant *régime*. As, for the effectual organization of

fighting bodies, the soldiers, absolutely obedient, must act independently only when commanded to do it; so, for the effectual organization of fighting societies, citizens must have their individualities subordinated. Private claims are overridden by public claims; and the subject loses much of his freedom of action. One result is that the system of regimentation, pervading the society as well as the army, causes detailed regulation of conduct. The dictates of the ruler, sanctified by ascription of them to his divine ancestor, are unrestrained by any conception of individual liberty; and they specify men's actions to an unlimited extent—down to kinds of food eaten, modes of preparing them, shaping of beards, fringing of dresses, sowing of grain, &c. This omnipresent control, which the ancient Eastern nations in general exhibited, was exhibited also in large measure by the Greeks; and was carried to its greatest pitch in the most militant city, Sparta. Similarly during mediæval days throughout Europe, characterized by chronic warfare with its appropriate political forms and ideas, there were scarcely any bounds to Governmental interference; agriculture, manufactures, trades, were regulated in detail; religious beliefs and observances were imposed; and rulers said by whom alone furs might be worn, silver used, books issued, pigeons kept, &c., &c. But along with increase of industrial activities, and implied substitution of the *régime* of contract for the *régime* of status, and growth of associated sentiments, there went (until the recent reaction accompanying reversion to militant activity) a decrease of meddling with people's doings. Legislation gradually ceased to regulate the cropping of fields, or dictate the ratio of cattle to acreage, or specify modes of manufacture and materials to be used, or fix wages and prices, or interfere with dresses and games (except where there was gambling), or put bounties and penalties on imports or exports, or prescribe men's beliefs, religious or political, or prevent them from combining as they pleased, or travelling where they liked. That is to say, throughout a

large range of conduct, the right of the citizen to uncontrolled action has been made good against the pretensions of the State to control him. While the ruling agency has increasingly helped him to exclude intruders from that private sphere in which he pursues the objects of life, it has itself retreated from that sphere; or, in other words—decreased its intrusions.

Not even yet have we noted all the classes of facts which tell the same story. It is told afresh in the improvements and reforms of law itself; as well as in the admissions and assertions of those who have effected them. "So early as the fifteenth century," says Professor Pollock, "we find a common-law judge declaring that, as in a case unprovided for by known rules the civilians and canonists devise a new rule according to 'the law of nature which is the ground of all laws,' the Courts of Westminster can and will do the like." * Again, our system of Equity, introduced and developed as it was to make up for the shortcomings of Common-law, or rectify its inequities, proceeded throughout on a recognition of men's claims considered as existing apart from legal warrant. And the changes of law now from time to time made after resistance, are similarly made in pursuance of current ideas concerning the requirements of justice; ideas which, instead of being derived from the law, are opposed to the law. For example, that recent Act which gives to a married woman a right of property in her own earnings, evidently originated in the consciousness that the natural connexion between labour expended and benefit enjoyed, is one which should be maintained in all cases. The reformed law did not create the right, but recognition of the right created the reformed law.

Thus, historical evidences of five different kinds unite in teaching that, confused as are the popular notions concerning

* "The Methods of Jurisprudence: an Introductory Lecture at University College, London," October 31, 1882.

rights, and including, as they do, a great deal which should be excluded, yet they shadow forth a truth.

It remains now to consider the original source of this truth. In a previous paper I have spoken of the open secret, that there can be no social phenomena but what, if we analyze them to the bottom, bring us down to the laws of life; and that there can be no true understanding of them without reference to the laws of life. Let us, then, transfer this question of natural rights from the court of politics to the court of science—the science of life. The reader need feel no alarm: the simplest and most obvious facts will suffice. We will contemplate first the general conditions to individual life; and then the general conditions to social life. We shall find that both yield the same verdict.

Animal life involves waste; waste must be met by repair; repair implies nutrition. Again, nutrition presupposes obtainment of food; food cannot be got without powers of prehension, and, usually, of locomotion; and that these powers may achieve their ends, there must be freedom to move about. If you shut up a mammal in a small space, or tie its limbs together, or take from it the food it has procured, you eventually, by persistence in one or other of these courses, cause its death. Passing a certain point, hindrance to the fulfilment of these requirements is fatal. And all this, which holds of the higher animals at large, of course holds of man.

If we adopt pessimism as a creed, and with it accept the implication that life in general being an evil should be put an end to, then there is no ethical warrant for these actions by which life is maintained: the whole question drops. But if we adopt either the optimist view or the meliorist view—if we say that life on the whole yields more pleasure than pain; or that it is on the way to become such that it will yield more pleasure than pain; then these actions by which life is maintained are justified, and there results a warrant for the freedom to perform them. Those who hold that life is valuable,

positive morality from abridging the political liberty which it leaves or grants to its subjects."* Hence, we have to find not a physical justification, but a moral justification, for the supposed absolute power of the majority.

This will at once draw forth the rejoinder—"Of course, in the absence of any agreement, with its implied limitations, the rule of the majority is unlimited; because it is more just that the majority should have its way than that the minority should have its way." A very reasonable rejoinder this seems until there comes the re-rejoinder. We may oppose to it the equally tenable proposition that, in the absence of an agreement, the supremacy of a majority over a minority does not exist at all. It is co-operation of some kind, from which there arises these powers and obligations of majority and minority; and in the absence of any agreement to co-operate, such powers and obligations are also absent.

Here the argument apparently ends in a dead lock. Under the existing condition of things, no moral origin seems assignable, either for the sovereignty of the majority or for the limitation of its sovereignty. But further consideration reveals a solution of the difficulty. For if, dismissing all thought of any hypothetical agreement to co-operate heretofore made, we ask what would be the agreement into which citizens would now enter with practical unanimity, we get a sufficiently clear answer; and with it a sufficiently clear justification for the rule of the majority inside a certain sphere but not outside that sphere. Let us first observe a few of the limitations which at once become apparent.

Were all Englishmen now asked if they would agree to co-operate for the teaching of religion, and would give the majority power to fix the creed and the forms of worship, there would come a very emphatic "No" from a large part of them. If, in pursurance of a proposal to revive sumptuary laws, the inquiry were made whether they would bind them-

* *The Province of Jurisprudence Determined.* Second Edition, p. 241.

selves to abide by the will of the majority in respect of the fashions and qualities of their clothes, nearly all of them would refuse. In like manner if (to take an actual question of the day) people were polled to ascertain whether, in respect of the beverages they drank, they would accept the decision of the greater number, certainly half, and probably more than half, would be unwilling. Similarly with respect to many other actions which most men now-a-days regard as of purely private concern. Whatever desire there might be to co-operate for carrying on, or regulating, such actions, would be far from a unanimous desire. Manifestly, then, had social co-operation to be commenced by ourselves, and had its purposes to be specified before consent to co-operate could be obtained, there would be large parts of human conduct in respect of which co-operation would be declined; and in respect of which, consequently, no authority by the majority over the minority could be rightly exercised.

Turn now to the converse question—For what ends would all men agree to co-operate? None will deny that for resisting invasion the agreement would be practically unanimous. Excepting only the Quakers, who, having done highly useful work in their time, are now dying out, all would unite for defensive war (not, however, for offensive war); and they would, by so doing, tacitly bind themselves to conform to the will of the majority in respect of measures directed to that end. There would be practical unanimity, also, in the agreement to co-operate for defence against internal enemies as against external enemies. Omitting criminals, all must wish to have person and property adequately protected. Each citizen desires to preserve his life, to preserve things which conduce to maintenance and enjoyment of his life, and to preserve intact his liberties both of using these things and getting further such. It is obvious to him that he cannot do all this if he acts alone. Against foreign invaders he is powerless unless he combines with his fellows; and the business of protecting himself against domestic invaders, if

he did not similarly combine, would be alike onerous, dangerous, and inefficient. In one other co-operation all are interested—use of the territory they inhabit. Did the primitive communal ownership survive, there would survive the primitive communal control of the uses to be made of land by individuals or by groups of them; and decisions of the majority would rightly prevail respecting the terms on which portions of it might be employed for raising food, for making means of communication, and for other purposes. Even at present, though the matter has been complicated by the growth of private landownership, yet, since the State is still supreme owner (every landlord being in law a tenant of the Crown) able to resume possession, or authorize compulsory purchase, at a fair price; the implication is that the will of the majority is valid respecting the modes in which and conditions under which, parts of the surface or sub-surface, may be utilized: involving certain agreements made on behalf of the public with private persons and companies.

Details are not needful here; nor is it needful to discuss that border region lying between these two classes of cases, and to say how much is included in the last and how much is excluded with the first. For present purposes, it is sufficient to recognize the undeniable truth that there are numerous kinds of actions in respect of which men would not, if they were asked, agree with anything like unanimity to be bound by the will of the majority; while there are some kinds of actions in respect of which they would almost unanimously agree to be thus bound. Here, then, we find a definite warrant for enforcing the will of the majority within certain limits, and a definite warrant for denying the authority of its will beyond those limits.

But evidently, when analyzed, the question resolves itself into the further question—What are the relative claims of the aggregate and of its units? Are the rights of the community universally valid against the individual? or has the individual some rights which are valid against the com-

munity? The judgment given on this point underlies the entire fabric of political convictions formed, and more especially those convictions which concern the proper sphere of government. Here, then, I propose to revive a dormant controversy, with the expectation of reaching a different conclusion from that which is fashionable.

Says Professor Jevons, in his work, *The State in Relation to Labour*,—"The first step must be to rid our minds of the idea that there are any such things in social matters as abstract rights." Of like character is the belief expressed by Mr. Matthew Arnold in his article on Copyright:—"An author has no natural right to a property in his production. But then neither has he a natural right to anything whatever which he may produce or acquire." * So, too, I recently read in a weekly journal of high repute, that "to explain once more that there is no such thing as 'natural right' would be a waste of philosophy." And the view expressed in these extracts is commonly uttered by statesmen and lawyers in a way implying that only the unthinking masses hold any other.

One might have expected that utterances to this effect would have been rendered less dogmatic by the knowledge that a whole school of legists on the Continent, maintains a belief diametrically opposed to that maintained by the English school. The idea of *Natur-recht* is the root-idea of German jurisprudence. Now whatever may be the opinion held respecting German philosophy at large, it cannot be characterised as shallow. A doctrine current among a people distinguished above all others as laborious inquirers, and certainly not to be classed with superficial thinkers, should not be dismissed as though it were nothing more than a popular delusion. This, however, by the way. Along with the proposition denied in the above quotations, there goes a

* *Fortnightly Review*, 1880, vol. xxvii. p. 322.

in the implication above made clear, that the theory commonly accepted is ill-based or unbased.

The notion of sovereignty is that which first presents itself; and a critical examination of this notion, as entertained by those who do not assume the supernatural origin of sovereignty, carries us back to the arguments of Hobbes.

Let us grant Hobbes's postulate that, "during the time men live without a common power to keep them all in awe, they are in that condition which is called war . . . . of every man against every man;"* though this is not true, since there are some small uncivilized societies in which, without any "common power to keep them all in awe," men maintain peace and harmony better than it is maintained in societies where such a power exists. Let us suppose him to be right, too, in assuming that the rise of a ruling man over associated men, results from their desires to preserve order among themselves; though, in fact, it habitually arises from the need for subordination to a leader in war, defensive or offensive, and has originally no necessary and often no actual, relation to the preservation of order among the combined individuals. Once more, let us admit the indefensible assumption that to escape the evils of chronic conflicts, which must otherwise continue among them, the members of a community enter into a "pact or covenant," by which they all bind themselves to surrender their primitive freedom of action, and subordinate themselves to the will of an autocrat agreed upon:† accepting, also, the implication that their descendants for ever are bound by the covenant which remote ancestors made for them. Let us, I say, not object to these data, but pass to the conclusions Hobbes draws. He says:—

---

* T. Hobbes, *Collected Works*, vol. iii. pp. 112–13.

† *Ibid.*, p. 159.

"For where no covenant hath preceded, there hath no right been transferred, and every man has a right to everything; and consequently, no action can be unjust. But when a covenant is made, then to break it is *unjust:* and the definition of INJUSTICE, is no other than *the not performance of covenant.* . . . . Therefore before the names of just and unjust can have place, there must be some coercive power, to compel men equally to the performance of their covenants, by the terror of some punishment, greater than the benefit they expect by the breach of their covenant."*

Were people's characters in Hobbes's day really so bad as to warrant his assumption that none would perform their covenants in the absence of a coercive power and threatened penalties? In our day "the names of just and unjust can have place" quite apart from recognition of any coercive power. Among my friends I could name several whom I would implicitly trust to perform their covenants without any "terror of such punishment;" and over whom the requirements of justice would be as imperative in the absence of a coercive power as in its presence. Merely noting, however, that this unwarranted assumption vitiates Hobbes's argument for State-authority, and accepting both his premises and conclusion, we have to observe two significant implications. One is that State-authority as thus derived, is a means to an end, and has no validity save as subserving that end: if the end is not subserved, the authority, by the hypothesis, does not exist. The other is that the end for which the authority exists, as thus specified, is the enforcement of justice—the maintenance of equitable relations. The reasoning yields no warrant for other coercion over citizens than that which is required for preventing direct aggressions, and those indirect aggressions constituted by breaches of contract; to which, if we add protection against external enemies, the entire function implied by Hobbes's derivation of sovereign authority is comprehended.

* Hobbes, *Collected Works*, vol. iii. pp. 130–1.

aggregated men, twisted into this or that arrangement, will remain as intended.

It may indeed be said that, even irrespective of this erroneous conception of a society as a plastic mass instead of as an organized body, facts forced on his attention hour by hour should make everyone sceptical as to the success of this or that proposed way of changing a people's actions. Alike to the citizen and to the legislator, home-experiences daily supply proofs that the conduct of human beings baulks calculation. He has given up the thought of managing his wife and lets her manage him. Children on whom he has tried now reprimand, now punishment, now suasion, now reward, do not respond satisfactorily to any method; and no expostulation prevents their mother from treating them in ways he thinks mischievous. So, too, his dealings with his servants, whether by reasoning or by scolding, rarely succeed for long; the falling short of attention, or punctuality, or cleanliness, or sobriety, leads to constant changes. Yet, difficult as he finds it to deal with humanity in detail, he is confident of his ability to deal with embodied humanity. Citizens, not one-thousandth of whom he knows, not one-hundredth of whom he ever saw, and the great mass of whom belong to classes having habits and modes of thought of which he has but dim notions, he feels sure will act in ways he foresees, and fulfil ends he wishes. Is there not a marvellous incongruity between premises and conclusion?

One might have expected that whether they observed the implications of these domestic failures, or whether they contemplated in every newspaper the indications of a social life too vast, too varied, too involved, to be even vaguely pictured in thought, men would have entered on the business of law-making with the greatest hesitation. Yet in this more than anything else do they show a confident readiness. Nowhere is there so astounding a contrast between the difficulty of the task and the unpreparedness of those who undertake it. Unquestionably among monstrous beliefs one of the most mon-

strous is that while for a simple handicraft, such as shoemaking, a long apprenticeship is needful, the sole thing which needs no apprenticeship is making a nation's laws!

Summing up the results of the discussion, may we not reasonably say that there lie before the legislator several open secrets, which yet are so open that they ought not to remain secrets to one who undertakes the vast and terrible responsibility of dealing with millions upon millions of human beings by measures which, if they do not conduce to their happiness, will increase their miseries and accelerate their deaths?

There is first of all the undeniable truth, conspicuous and yet absolutely ignored, that there are no phenomena which a society presents but what have their origins in the phenomena of individual human life, which again have their roots in vital phenomena at large. And there is the inevitable implication that unless these vital phenomena, bodily and mental, are chaotic in their relations (a supposition excluded by the very maintenance of life) the resulting phenomena cannot be wholly chaotic: there must be some kind of order in the phenomena which grow out of them when associated human beings have to co-operate. Evidently, then, when one who has not studied such resulting phenomena of social order, undertakes to regulate society, he is pretty certain to work mischiefs.

In the second place, apart from *a priori* reasoning, this conclusion should be forced on the legislator by comparisons of societies. It ought to be sufficiently manifest that before meddling with the details of social organization, inquiry should be made whether social organization has a natural history; and that to answer this inquiry, it would be well, setting out with the simplest societies, to see in what respects social structures agree. Such comparative sociology, pursued to a very small extent, shows a substantial uniformity of genesis. The habitual existence of chieftainship, and the establishment of chiefly authority by war; the rise everywhere of the medicine man and priest; the presence of a

cult having in all places the same fundamental traits; the traces of division of labour, early displayed, which gradually become more marked; and the various complications, political, ecclesiastical, industrial, which arise as groups are compounded and re-compounded by war; prove to any who compare them that, apart from all their special differences, societies have general resemblances in their modes of origin and development. They present traits of structure showing that social organization has laws which over-ride individual wills; and laws the disregard of which must be fraught with disaster.

And then, in the third place, there is that mass of guiding information yielded by the records of legislation in our own country and in other countries, which still more obviously demands attention. Here and elsewhere, attempts of multitudinous kinds, made by kings and statesmen, have failed to do the good intended and have worked unexpected evils. Century after century new measures like the old ones, and other measures akin in principle, have again disappointed hopes and again brought disaster. And yet it is thought neither by electors nor by those they elect, that there is any need for systematic study of that law-making which in bygone ages went on working the ill-being of the people when it tried to achieve their well-being. Surely there can be no fitness for legislative functions without wide knowledge of those legislative experiences which the past has bequeathed.

Reverting, then, to the analogy drawn at the outset, we must say that the legislator is morally blameless or morally blameworthy, according as he has or has not acquainted himself with these several classes of facts. A physician who, after years of study, has gained a competent knowledge of physiology, pathology, and therapeutics, is not held criminally responsible if a man dies under his treatment: he has prepared himself as well as he can, and has acted to the best of his judgment. Similarly the legislator whose measures produce evil instead of good, notwithstanding the extensive

and methodic inquiries which helped him to decide, cannot be held to have committed more than an error of reasoning. Contrariwise, the legislator who is wholly or in great part uninformed concerning the masses of facts which he must examine before his opinion on a proposed law can be of any value, and who nevertheless helps to pass that law, can no more be absolved if misery and mortality result, than the journeyman druggist can be absolved when death is caused by the medicine he ignorantly prescribes.

THE GREAT POLITICAL SUPERSTITION.

THE great political superstition of the past was the divine right of kings. The great political superstition of the present is the divine right of parliaments. The oil of anointing seems unawares to have dripped from the head of the one on to the heads of the many, and given sacredness to them also and to their decrees.

However irrational we may think the earlier of these beliefs, we must admit that it was more consistent than is the latter. Whether we go back to times when the king was a god, or to times when he was a descendant of a god, or to times when he was god-appointed, we see good reason for passive obedience to his will. When, as under Louis XIV., theologians like Bossuet taught that kings "are gods, and share in a manner the Divine independence," or when it was thought, as by our own Tory party in old days, that "the monarch was the delegate of heaven;" it is clear that, given the premise, the inevitable conclusion was that no bounds could be set to governmental commands. But for the modern belief such a warrant does not exist. Making no pretention to divine descent or divine appointment, a legislative body can show no supernatural justification for its claim to unlimited authority; and no natural justification has ever been attempted. Hence, belief in its unlimited authority is without that consistency which of old characterized belief in a king's unlimited authority.

It is curious how commonly men continue to hold in fact,

doctrines which they have rejected in name—retaining the substance after they have abandoned the form. In Theology an illustration is supplied by Carlyle, who, in his student days, giving up, as he thought, the creed of his fathers, rejected its shell only, keeping the contents; and was proved by his conceptions of the world, and man, and conduct, to be still among the sternest of Scotch Calvinists. Similarly, Science furnishes an instance in one who united naturalism in Geology with supernaturalism in Biology—Sir Charles Lyell. While, as the leading expositor of the uniformitarian theory in Geology, he ignored only the Mosaic cosmogony, he long defended that belief in special creations of organic types, for which no other source than the Mosaic cosmogony could be assigned; and only in the latter part of his life surrendered to the arguments of Mr. Darwin. In Politics, as above implied, we have an analogous case. The tacitly-asserted doctrine, common to Tories, Whigs, and Radicals, that governmental authority is unlimited, dates back to times when the law-giver was supposed to have a warrant from God; and it survives still, though the belief that the law-giver has God's warrant has died out. "Oh, an Act of Parliament can do anything," is the reply made to a citizen who questions the legitimacy of some arbitrary State-interference; and the citizen stands paralyzed. It does not occur to him to ask the how, and the when, and the whence, of this asserted omnipotence bounded only by physical impossibilities.

Here we will take leave to question it. In default of the justification, once logically valid, that the ruler on Earth being a deputy of the ruler in Heaven, submission to him in all things is a duty, let us ask what reason there is for asserting the duty of submission in all things to a ruling power, constitutional or republican, which has no Heavenly-derived supremacy. Evidently this inquiry commits us to a criticism of past and present theories concerning political authority. To revive questions supposed to be long since settled, may be thought to need some apology; but there is a sufficient apology

in the implication above made clear, that the theory commonly accepted is ill-based or unbased.

The notion of sovereignty is that which first presents itself; and a critical examination of this notion, as entertained by those who do not assume the supernatural origin of sovereignty, carries us back to the arguments of Hobbes.

Let us grant Hobbes's postulate that, "during the time men live without a common power to keep them all in awe, they are in that condition which is called war . . . . of every man against every man;"* though this is not true since there are some small uncivilized societies in which, without any "common power to keep them all in awe," men maintain peace and harmony better than it is maintained in societies where such a power exists. Let us suppose him to be right, too, in assuming that the rise of a ruling man over associated men, results from their desires to preserve order among themselves; though, in fact, it habitually arises from the need for subordination to a leader in war, defensive or offensive, and has originally no necessary and often no actual, relation to the preservation of order among the combined individuals. Once more, let us admit the indefensible assumption that to escape the evils of chronic conflicts, which must otherwise continue among them, the members of a community enter into a "pact or covenant," by which they all bind themselves to surrender their primitive freedom of action, and subordinate themselves to the will of an autocrat agreed upon:† accepting, also, the implication that their descendants for ever are bound by the covenant which remote ancestors made for them. Let us, I say, not object to these data, but pass to the conclusions Hobbes draws. He says:—

---

* T. Hobbes, *Collected Works*, vol. iii. pp. 112–13.

† *Ibid.*, p. 159.

"For where no covenant hath preceded, there hath no right been transferred, and every man has a right to everything; and consequently, no action can be unjust. But when a covenant is made, then to break it is *unjust:* and the definition of INJUSTICE, is no other than *the not performance of covenant.* . . . . Therefore before the names of just and unjust can have place, there must be some coercive power, to compel men equally to the performance of their covenants, by the terror of some punishment, greater than the benefit they expect by the breach of their covenant."*

Were people's characters in Hobbes's day really so bad as to warrant his assumption that none would perform their covenants in the absence of a coercive power and threatened penalties? In our day "the names of just and unjust can have place" quite apart from recognition of any coercive power. Among my friends I could name several whom I would implicitly trust to perform their covenants without any "terror of such punishment;" and over whom the requirements of justice would be as imperative in the absence of a coercive power as in its presence. Merely noting, however, that this unwarranted assumption vitiates Hobbes's argument for State-authority, and accepting both his premises and conclusion, we have to observe two significant implications. One is that State-authority as thus derived, is a means to an end, and has no validity save as subserving that end: if the end is not subserved, the authority, by the hypothesis, does not exist. The other is that the end for which the authority exists, as thus specified, is the enforcement of justice—the maintenance of equitable relations. The reasoning yields no warrant for other coercion over citizens than that which is required for preventing direct aggressions, and those indirect aggressions constituted by breaches of contract; to which, if we add protection against external enemies, the entire function implied by Hobbes's derivation of sovereign authority is comprehended.

* Hobbes, *Collected Works*, vol. iii. pp. 130–1.

have brought him. In other cases we do not thus let the immediate blind us to the remote. When asserting the sacredness of property against private transgressors, we do not ask whether the benefit to a hungry man who takes bread from a baker's shop, is or is not greater than the injury inflicted on the baker: we consider, not the special effects, but the general effects which arise if property is insecure. But when the State exacts further amounts from citizens, or further restrains their liberties, we consider only the direct and proximate effects, and ignore the direct and distant effects. We do not see that by accumulated small infractions of them, the vital conditions to life, individual and social, come to be so imperfectly fulfilled that the life decays.

Yet the decay thus caused becomes manifest where the policy is pushed to an extreme. Any one who studies, in the writings of MM. Taine and de Tocqueville, the state of things which preceded the French Revolution, will see that that tremendous catastrophe came about from so excessive a regulation of men's actions in all their details, and such an enormous drafting away of the products of their actions to maintain the regulating organization, that life was fast becoming impracticable. The empirical utilitarianism of that day, like the empirical utiliarianism of our day, differed from rational utilitarianism in this, that in each successive case it contemplated only the effects of particular interferences on the actions of particular classes of men, and ignored the effects produced by a multiplicity of such interferences on the lives of men at large. And if we ask what then made, and what now makes, this error possible, we find it to be the political superstition that governmental power is subject to no restraints.

When that "divinity" which "doth hedge a king," and which has left a glamour around the body inheriting his power, has quite died away—when it begins to be seen clearly that, in a popularly governed nation, the government is simply a committee of management; it will also be seen

that this committee of management has no intrinsic authority. The inevitable conclusion will be that its authority is given by those appointing it; and has just such bounds as they choose to impose. Along with this will go the further conclusion that the laws it passes are not in themselves sacred; but that whatever sacredness they have, it is entirely due to the ethical sanction—an ethical sanction which, as we find, is derivable from the laws of human life as carried on under social conditions. And there will come the corollary that when they have not this ethical sanction they have no sacredness, and may rightly be challenged.

The function of Liberalism in the past was that of putting a limit to the powers of kings. The function of true Liberalism in the future will be that of putting a limit to the powers of Parliaments.

more important than reading, should decide to change the purpose of their union, and to apply the funds in hand for the purchase of powder, ball, and targets. Would the rest be bound by this decision? Suppose that under the excitement of news from Australia, the majority of a Freehold Land Society should determine, not simply to start in a body for the gold-diggings, but to use their accumulated capital to provide outfits. Would this appropriation of property be just to the minority? and must these join the expedition? Scarcely anyone would venture an affirmative answer even to the first of these questions; much less to the others. And why? Because everyone must perceive that by uniting himself with others, no man can equitably be betrayed into acts utterly foreign to the purpose for which he joined them. Each of these supposed minorities would properly reply to those seeking to coerce them:—'We combined with you for a defined object; we gave money and time for the furtherance of that object; on all questions thence arising we tacitly agreed to conform to the will of the greater number; but we did not agree to conform on any other questions. If you induce us to join you by professing a certain end, and then undertake some other end of which we were not apprised, you obtain our support under false pretences; you exceed the expressed or understood compact to which we committed ourselves; and we are no longer bound by your decisions.' Clearly this is the only rational interpretation of the matter. The general principle underlying the right government of every incorporated body, is, that its members contract with one another severally to submit to the will of the majority in all matters concerning the fulfilment of the objects for which they are incorporated; but in no others. To this extent only can the contract hold. For as it is implied in the very nature of a contract, that those entering into it must know what they contract to do; and as those who unite with others for a specified object, cannot contemplate all the unspecified objects which it is hypothetically possible for the union to undertake; it follows that the contract entered into cannot extend to such unspecified objects. And if there exists no expressed or understood contract between the union and its members respecting unspecified objects, then for the majority to coerce the minority into undertaking them, is nothing less than gross tyranny."

Naturally, if such a confusion of ideas exists in respect of the powers of a majority where the deed of incorporation tacitly limits those powers, still more must there exist such a confusion where there has been no deed of incorporation. Nevertheless the same principle holds. I again emphasize

citizens to government is no longer needful for preservation of the national life—if, contrariwise, the national life becomes larger in amount and higher in quality as fast as citizens gain increased freedom of action; there comes a progressive modification of their political theory, having the result of diminishing their faith in governmental action, increasing their tendency to question governmental authority, and leading them in more numerous cases to resist governmental power: involving, eventually, an established doctrine of limitation.

Thus it is not to be expected that current opinion respecting governmental authority, can at present be modified to any great extent. But let us look at the necessities of the case more closely.

Manifestly the success of an army depends very much on the faith of the soldiers in their general: disbelief in his ability will go far towards paralyzing them in battle; while absolute confidence in him will make them fulfil their respective parts with courage and energy. If, as in the normally-developed militant type of society, the leader in war and the ruler in peace are one and the same, this confidence in him extends from military action to civil action; and the society, in large measure identical with the army, willingly accepts his judgments as law-giver. Even where the civil head, ceasing to be the military head, does his generalship by deputy, there still clings to him the traditional faith.

As with faith so with obedience. Other things equal an army of insubordinate soldiers fails before an army of subordinate soldiers. Those whose obedience to their leader is perfect and prompt, are obviously more likely to succeed in battle than are those who disregard the commands issued to them. And as with the army so with the society as a whole; success in war must largely depend on that conformity to the ruler's will which brings men and money when wanted, and adjusts all conduct to his needs.

positive morality from abridging the political liberty which it leaves or grants to its subjects."* Hence, we have to find, not a physical justification, but a moral justification, for the supposed absolute power of the majority.

This will at once draw forth the rejoinder—"Of course, in the absence of any agreement, with its implied limitations, the rule of the majority is unlimited; because it is more just that the majority should have its way than that the minority should have its way." A very reasonable rejoinder this seems until there comes the re-rejoinder. We may oppose to it the equally tenable proposition that, in the absence of an agreement, the supremacy of a majority over a minority does not exist at all. It is co-operation of some kind, from which there arises these powers and obligations of majority and minority; and in the absence of any agreement to co-operate, such powers and obligations are also absent.

Here the argument apparently ends in a dead lock. Under the existing condition of things, no moral origin seems assignable, either for the sovereignty of the majority or for the limitation of its sovereignty. But further consideration reveals a solution of the difficulty. For if, dismissing all thought of any hypothetical agreement to co-operate heretofore made, we ask what would be the agreement into which citizens would now enter with practical unanimity, we get a sufficiently clear answer; and with it a sufficiently clear justification for the rule of the majority inside a certain sphere but not outside that sphere. Let us first observe a few of the limitations which at once become apparent.

Were all Englishmen now asked if they would agree to co-operate for the teaching of religion, and would give the majority power to fix the creed and the forms of worship, there would come a very emphatic "No" from a large part of them. If, in pursurance of a proposal to revive sumptuary laws, the inquiry were made whether they would bind them-

* *The Province of Jurisprudence Determined.* Second Edition, p. 241.

selves to abide by the will of the majority in respect of the fashions and qualities of their clothes, nearly all of them would refuse. In like manner if (to take an actual question of the day) people were polled to ascertain whether, in respect of the beverages they drank, they would accept the decision of the greater number, certainly half, and probably more than half, would be unwilling. Similarly with respect to many other actions which most men now-a-days regard as of purely private concern. Whatever desire there might be to co-operate for carrying on, or regulating, such actions, would be far from a unanimous desire. Manifestly, then, had social co-operation to be commenced by ourselves, and had its purposes to be specified before consent to co-operate could be obtained, there would be large parts of human conduct in respect of which co-operation would be declined; and in respect of which, consequently, no authority by the majority over the minority could be rightly exercised.

Turn now to the converse question—For what ends would all men agree to co-operate? None will deny that for resisting invasion the agreement would be practically unanimous. Excepting only the Quakers, who, having done highly useful work in their time, are now dying out, all would unite for defensive war (not, however, for offensive war); and they would, by so doing, tacitly bind themselves to conform to the will of the majority in respect of measures directed to that end. There would be practical unanimity, also, in the agreement to co-operate for defence against internal enemies as against external enemies. Omitting criminals, all must wish to have person and property adequately protected. Each citizen desires to preserve his life, to preserve things which conduce to maintenance and enjoyment of his life, and to preserve intact his liberties both of using these things and getting further such. It is obvious to him that he cannot do all this if he acts alone. Against foreign invaders he is powerless unless he combines with his fellows; and the business of protecting himself against domestic invaders, if

THE GREAT POLITICAL SUPERSTITION.

THE great political superstition of the past was the divine right of kings. The great political superstition of the present is the divine right of parliaments. The oil of anointing seems unawares to have dripped from the head of the one on to the heads of the many, and given sacredness to them also and to their decrees.

However irrational we may think the earlier of these beliefs, we must admit that it was more consistent than is the latter. Whether we go back to times when the king was a god, or to times when he was a descendant of a god, or to times when he was god-appointed, we see good reason for passive obedience to his will. When, as under Louis XIV., theologians like Bossuet taught that kings "are gods, and share in a manner the Divine independence," or when it was thought, as by our own Tory party in old days, that "the monarch was the delegate of heaven;" it is clear that, given the premise, the inevitable conclusion was that no bounds could be set to governmental commands. But for the modern belief such a warrant does not exist. Making no pretention to divine descent or divine appointment, a legislative body can show no supernatural justification for its claim to unlimited authority; and no natural justification has ever been attempted. Hence, belief in its unlimited authority is without that consistency which of old characterized belief in a king's unlimited authority.

It is curious how commonly men continue to hold in fact,

doctrines which they have rejected in name—retaining the substance after they have abandoned the form. In Theology an illustration is supplied by Carlyle, who, in his student days, giving up, as he thought, the creed of his fathers, rejected its shell only, keeping the contents; and was proved by his conceptions of the world, and man, and conduct, to be still among the sternest of Scotch Calvinists. Similarly, Science furnishes an instance in one who united naturalism in Geology with supernaturalism in Biology—Sir Charles Lyell. While, as the leading expositor of the uniformitarian theory in Geology, he ignored only the Mosaic cosmogony, he long defended that belief in special creations of organic types, for which no other source than the Mosaic cosmogony could be assigned; and only in the latter part of his life surrendered to the arguments of Mr. Darwin. In Politics, as above implied, we have an analogous case. The tacitly-asserted doctrine, common to Tories, Whigs, and Radicals, that governmental authority is unlimited, dates back to times when the law-giver was supposed to have a warrant from God; and it survives still, though the belief that the law-giver has God's warrant has died out. "Oh, an Act of Parliament can do anything," is the reply made to a citizen who questions the legitimacy of some arbitrary State-interference; and the citizen stands paralyzed. It does not occur to him to ask the how, and the when, and the whence, of this asserted omnipotence bounded only by physical impossibilities.

Here we will take leave to question it. In default of the justification, once logically valid, that the ruler on Earth being a deputy of the ruler in Heaven, submission to him in all things is a duty, let us ask what reason there is for asserting the duty of submission in all things to a ruling power, constitutional or republican, which has no Heavenly-derived supremacy. Evidently this inquiry commits us to a criticism of past and present theories concerning political authority. To revive questions supposed to be long since settled, may be thought to need some apology; but there is a sufficient apology

Still less respectable appears this extreme concern for those of our own blood which goes along with utter unconcern for those of other blood, when we observe its methods. Did it prompt personal effort to relieve the suffering, it would rightly receive approving recognition. Were the many who express this cheap pity like the few who devote large parts of their time to aiding and encouraging, and occasionally amusing, those who, by ill-fortune or incapacity, are brought to lives of hardship, they would be worthy of unqualified admiration. The more there are of men and women who help the poor to help themselves—the more there are of those whose sympathy is exhibited directly and not by proxy, the more we may rejoice. But the immense majority of the persons who wish to mitigate by law the miseries of the unsuccessful and the reckless, propose to do this in small measure at their own cost and mainly at the cost of others—sometimes with their assent but mostly without. More than this is true; for those who are to be forced to do so much for the distressed, often equally or more require something doing for them. The deserving poor are among those who are taxed to support the undeserving poor. As, under the old Poor Law, the diligent and provident labourer had to pay that the good-for-nothings might not suffer, until frequently under this extra burden he broke down and himself took refuge in the workhouse—as, at present, the total rates levied in large towns for all public purposes, have reached such a height that they "cannot be exceeded without inflicting great hardship on the small shop-keepers and artisans, who already find it difficult enough to keep themselves free from the pauper taint;" * so in all cases, the policy is one which intensifies the pains of those most deserving of pity, that the pains of those least deserving of pity may be mitigated. Men who are so sympathetic that they cannot let the struggle for existence bring on the un-

* Mr. J. Chamberlain in *Fortnightly Review*, December, 1883, p. 772.

worthy the sufferings consequent on their incapacity or misconduct, are so unsympathetic that they can, deliberately, make the struggle for existence harder for the worthy, and inflict on them and their children artificial evils in addition to the natural evils they have to bear!

And here we are brought round to our original topic—the sins of legislators. Here there comes clearly before us the commonest of the transgressions which rulers commit—a transgression so common, and so sanctified by custom, that no one imagines it to be a transgression. Here we see that, as indicated at the outset, Government, begotten of aggression and by aggression, ever continues to betray its original nature by its aggressiveness; and that even what on its nearer face seems beneficence only, shows, on its remoter face, not a little maleficence—kindness at the cost of cruelty. For is it not cruel to increase the sufferings of the better that the sufferings of the worse may be decreased?

It is, indeed, marvellous how readily we let ourselves be deceived by words and phrases which suggest one aspect of the facts while leaving the opposite aspect unsuggested. A good illustration of this, and one germane to the immediate question, is seen in the use of the words "protection" and "protectionist" by the antagonists of free-trade, and in the tacit admission of its propriety by free-traders. While the one party has habitually ignored, the other party has habitually failed to enphasize, the truth that this so-called protection always involves aggression; and that the name aggressionist ought to be substituted for the name protectionist. For nothing can be more certain than that if, to maintain A's profit, B is forbidden to buy of C, or is fined to the extent of the duty if he buys of C, then B is aggressed upon that A may be "protected." Nay, "aggressionists" is a title doubly more applicable to the anti-free-traders than is the euphemistic title "protectionists;" since, that one producer may gain, ten consumers are fleeced.

Now just the like confusion of ideas, caused by looking at one face only of the transaction, may be traced throughout all the legislation which forcibly takes the property of this man for the purpose of giving gratis benefits to that man. Habitually when one of the numerous measures thus characterized is discussed, the dominant thought is concerning the pitiable Jones who is to be protected against some evil; while no thought is given to the hard-working Brown who is aggressed upon, often much more to be pitied. Money is exacted (either directly or through raised rent) from the huckster who only by extreme pinching can pay her way, from the mason thrown out of work by a strike, from the mechanic whose savings are melting away during an illness, from the widow who washes or sews from dawn to dark to feed her fatherless little ones; and all that the dissolute may be saved from hunger, that the children of less impoverished neighbours may have cheap lessons, and that various people, mostly better off, may read newspapers and novels for nothing! The error of nomenclature is, in one respect, more misleading than that which allows aggressionists to be called protectionists; for, as just shown, protection of the vicious poor involves aggression on the virtuous poor. Doubtless it is true that the greater part of the money exacted comes from those who are relatively well-off. But this is no consolation to the ill-off from whom the rest is exacted. Nay, if the comparison be made between the pressures borne by the two classes respectively, it becomes manifest that the case is even worse than at first appears; for while to the well-off the exaction means loss of luxuries, to the ill-off it means loss of necessaries.

And now see the Nemesis which is threatening to follow this chronic sin of legislators. They and their class, in common with all owners of property, are in danger of suffering from a sweeping application of that general principle practically asserted by each of these confiscating Acts of Parliament. For what is the tacit assumption on which such Acts

proceed? It is the assumption that no man has any claim to his property, not even to that which he has earned by the sweat of his brow, save by permission of the community; and that the community may cancel the claim to any extent it thinks fit. No defence can be made for this appropriation of A's possessions for the benefit of B, save one which sets out with the postulate that society as a whole has an absolute right over the possessions of each member. And now this doctrine, which has been tacitly assumed, is being openly proclaimed. Mr. George and his friends, Mr. Hyndman and his supporters, are pushing the theory to its logical issue. They have been instructed by examples, yearly increasing in number, that the individual has no rights but what the community may equitably over-ride; and they are now saying—"It shall go hard but we will better the instruction," and abolish individual rights altogether.

Legislative misdeeds of the classes above indicated are in large measure explained, and reprobation of them mitigated, when we look at the matter from afar off. They have their root in the error that society is a manufacture; whereas it is a growth. Neither the culture of past times nor the culture of the present time, has given to any considerable number of people a scientific conception of a society—a conception of it as having a natural structure in which all its institutions, governmental, religious, industrial, commercial, &c., are interdependently bound—a structure which is in a sense organic. Or if such a conception is nominally entertained, it is not entertained in such way as to be operative on conduct. Contrariwise, incorporated humanity is very commonly thought of as though it were like so much dough which the cook can mould as she pleases into pie-crust, or puff, or tartlet. The communist shows us unmistakably that he thinks of the body politic as admitting of being shaped thus or thus at will; and the tacit implication of many Acts of Parliament is that

aggregated men, twisted into this or that arrangement, will remain as intended.

It may indeed be said that, even irrespective of this erroneous conception of a society as a plastic mass instead of as an organized body, facts forced on his attention hour by hour should make everyone sceptical as to the success of this or that proposed way of changing a people's actions. Alike to the citizen and to the legislator, home-experiences daily supply proofs that the conduct of human beings baulks calculation. He has given up the thought of managing his wife and lets her manage him. Children on whom he has tried now reprimand, now punishment, now suasion, now reward, do not respond satisfactorily to any method; and no expostulation prevents their mother from treating them in ways he thinks mischievous. So, too, his dealings with his servants, whether by reasoning or by scolding, rarely succeed for long; the falling short of attention, or punctuality, or cleanliness, or sobriety, leads to constant changes. Yet, difficult as he finds it to deal with humanity in detail, he is confident of his ability to deal with embodied humanity. Citizens, not one-thousandth of whom he knows, not one-hundredth of whom he ever saw, and the great mass of whom belong to classes having habits and modes of thought of which he has but dim notions, he feels sure will act in ways he foresees, and fulfil ends he wishes. Is there not a marvellous incongruity between premises and conclusion?

One might have expected that whether they observed the implications of these domestic failures, or whether they contemplated in every newspaper the indications of a social life too vast, too varied, too involved, to be even vaguely pictured in thought, men would have entered on the business of law-making with the greatest hesitation. Yet in this more than anything else do they show a confident readiness. Nowhere is there so astounding a contrast between the difficulty of the task and the unpreparedness of those who undertake it. Unquestionably among monstrous beliefs one of the most mon-

strous is that while for a simple handicraft, such as shoemaking, a long apprenticeship is needful, the sole thing which needs no apprenticeship is making a nation's laws!

Summing up the results of the discussion, may we not reasonably say that there lie before the legislator several open secrets, which yet are so open that they ought not to remain secrets to one who undertakes the vast and terrible responsibility of dealing with millions upon millions of human beings by measures which, if they do not conduce to their happiness, will increase their miseries and accelerate their deaths?

There is first of all the undeniable truth, conspicuous and yet absolutely ignored, that there are no phenomena which a society presents but what have their origins in the phenomena of individual human life, which again have their roots in vital phenomena at large. And there is the inevitable implication that unless these vital phenomena, bodily and mental, are chaotic in their relations (a supposition excluded by the very maintenance of life) the resulting phenomena cannot be wholly chaotic: there must be some kind of order in the phenomena which grow out of them when associated human beings have to co-operate. Evidently, then, when one who has not studied such resulting phenomena of social order, undertakes to regulate society, he is pretty certain to work mischiefs.

In the second place, apart from *a priori* reasoning, this conclusion should be forced on the legislator by comparisons of societies. It ought to be sufficiently manifest that before meddling with the details of social organization, inquiry should be made whether social organization has a natural history; and that to answer this inquiry, it would be well, setting out with the simplest societies, to see in what respects social structures agree. Such comparative sociology, pursued to a very small extent, shows a substantial uniformity of genesis. The habitual existence of chieftainship, and the establishment of chiefly authority by war; the rise everywhere of the medicine man and priest; the presence of a

cult having in all places the same fundamental traits; the traces of division of labour, early displayed, which gradually become more marked; and the various complications, political, ecclesiastical, industrial, which arise as groups are compounded and re-compounded by war; prove to any who compare them that, apart from all their special differences, societies have general resemblances in their modes of origin and development. They present traits of structure showing that social organization has laws which over-ride individual wills; and laws the disregard of which must be fraught with disaster.

And then, in the third place, there is that mass of guiding information yielded by the records of legislation in our own country and in other countries, which still more obviously demands attention. Here and elsewhere, attempts of multitudinous kinds, made by kings and statesmen, have failed to do the good intended and have worked unexpected evils. Century after century new measures like the old ones, and other measures akin in principle, have again disappointed hopes and again brought disaster. And yet it is thought neither by electors nor by those they elect, that there is any need for systematic study of that law-making which in bygone ages went on working the ill-being of the people when it tried to achieve their well-being. Surely there can be no fitness for legislative functions without wide knowledge of those legislative experiences which the past has bequeathed.

Reverting, then, to the analogy drawn at the outset, we must say that the legislator is morally blameless or morally blameworthy, according as he has or has not acquainted himself with these several classes of facts. A physician who, after years of study, has gained a competent knowledge of physiology, pathology, and therapeutics, is not held criminally responsible if a man dies under his treatment: he has prepared himself as well as he can, and has acted to the best of his judgment. Similarly the legislator whose measures produce evil instead of good, notwithstanding the extensive

and methodic inquiries which helped him to decide, cannot be held to have committed more than an error of reasoning. Contrariwise, the legislator who is wholly or in great part uninformed concerning the masses of facts which he must examine before his opinion on a proposed law can be of any value, and who nevertheless helps to pass that law, can no more be absolved if misery and mortality result, than the journeyman druggist can be absolved when death is caused by the medicine he ignorantly prescribes.

THE GREAT POLITICAL SUPERSTITION.

THE great political superstition of the past was the divine right of kings. The great political superstition of the present is the divine right of parliaments. The oil of anointing seems unawares to have dripped from the head of the one on to the heads of the many, and given sacredness to them also and to their decrees.

However irrational we may think the earlier of these beliefs, we must admit that it was more consistent than is the latter. Whether we go back to times when the king was a god, or to times when he was a descendant of a god, or to times when he was god-appointed, we see good reason for passive obedience to his will. When, as under Louis XIV., theologians like Bossuet taught that kings "are gods, and share in a manner the Divine independence," or when it was thought, as by our own Tory party in old days, that "the monarch was the delegate of heaven;" it is clear that, given the premise, the inevitable conclusion was that no bounds could be set to governmental commands. But for the modern belief such a warrant does not exist. Making no pretention to divine descent or divine appointment, a legislative body can show no supernatural justification for its claim to unlimited authority; and no natural justification has ever been attempted. Hence, belief in its unlimited authority is without that consistency which of old characterized belief in a king's unlimited authority.

It is curious how commonly men continue to hold in fact,

doctrines which they have rejected in name—retaining the substance after they have abandoned the form. In Theology an illustration is supplied by Carlyle, who, in his student days, giving up, as he thought, the creed of his fathers, rejected its shell only, keeping the contents; and was proved by his conceptions of the world, and man, and conduct, to be still among the sternest of Scotch Calvinists. Similarly, Science furnishes an instance in one who united naturalism in Geology with supernaturalism in Biology—Sir Charles Lyell. While, as the leading expositor of the uniformitarian theory in Geology, he ignored only the Mosaic cosmogony, he long defended that belief in special creations of organic types, for which no other source than the Mosaic cosmogony could be assigned; and only in the latter part of his life surrendered to the arguments of Mr. Darwin. In Politics, as above implied, we have an analogous case. The tacitly-asserted doctrine, common to Tories, Whigs, and Radicals, that governmental authority is unlimited, dates back to times when the law-giver was supposed to have a warrant from God; and it survives still, though the belief that the law-giver has God's warrant has died out. "Oh, an Act of Parliament can do anything," is the reply made to a citizen who questions the legitimacy of some arbitrary State-interference; and the citizen stands paralyzed. It does not occur to him to ask the how, and the when, and the whence, of this asserted omnipotence bounded only by physical impossibilities.

Here we will take leave to question it. In default of the justification, once logically valid, that the ruler on Earth being a deputy of the ruler in Heaven, submission to him in all things is a duty, let us ask what reason there is for asserting the duty of submission in all things to a ruling power, constitutional or republican, which has no Heavenly-derived supremacy. Evidently this inquiry commits us to a criticism of past and present theories concerning political authority. To revive questions supposed to be long since settled, may be thought to need some apology; but there is a sufficient apology

in the implication above made clear, that the theory commonly accepted is ill-based or unbased.

The notion of sovereignty is that which first presents itself; and a critical examination of this notion, as entertained by those who do not assume the supernatural origin of sovereignty, carries us back to the arguments of Hobbes.

Let us grant Hobbes's postulate that, "during the time men live without a common power to keep them all in awe, they are in that condition which is called war . . . . of every man against every man;"* though this is not true, since there are some small uncivilized societies in which, without any "common power to keep them all in awe," men maintain peace and harmony better than it is maintained in societies where such a power exists. Let us suppose him to be right, too, in assuming that the rise of a ruling man over associated men, results from their desires to preserve order among themselves; though, in fact, it habitually arises from the need for subordination to a leader in war, defensive or offensive, and has originally no necessary and often no actual, relation to the preservation of order among the combined individuals. Once more, let us admit the indefensible assumption that to escape the evils of chronic conflicts, which must otherwise continue among them, the members of a community enter into a "pact or covenant," by which they all bind themselves to surrender their primitive freedom of action, and subordinate themselves to the will of an autocrat agreed upon:† accepting, also, the implication that their descendants for ever are bound by the covenant which remote ancestors made for them. Let us, I say, not object to these data, but pass to the conclusions Hobbes draws. He says:—

---

* T. Hobbes, *Collected Works*, vol. iii. pp. 112–13.

† *Ibid.*, p. 159.

Public houses, (*see* Licensing Acts).
Public School Association, zeal of, 185; (*see also* Education).
Public works, State execution of, 231–32.
Punjaub, cost of, 192.

Quakers: and personal liberty, 54; in Pennsylvania, 198–99.
Quacks, and State interference, 201, 203–4.

Radicalism, (*see* Liberalism).
Ragged schools, and crime, 172.
Railways: Hudson testimonials, 58; English enterprise, 217; public and private enterprise, 230, 231; and morality, 266; restrictive legislation, 294, 311; in Spain, 308; and democratic federation, 319; State ownership, 326–27; "Morals and Policy," 381–82; in England and France, 311, 404.
Rates, height of, 370; (*see also* Taxes).
Rathbone, W., on local taxation, 324 *n.*
Reading, and education, 317–18.
Reason, and human guidance, 173–74.
Reform Bills, effect of, 284.
Religion: religious establishments, 141–43; and dissent, 145; State teaching, 160; and education, 167, 179, 184–85; and colonization, 190; and sanitary supervision, 202; changes and organizations, 254–55; and whig principles, 284; and liberalism, 289; science and suffering, 308; and rights of majority, 384–85; amity and enmity, 416–17.
Rent, and Metropolitan Buildings Acts, 210 *n.*
Republics, and monarchies, 312.
Research, endowment of, 293.
Revolutions, and nature of citizens, 251–52.
Rewards, and education, 183.
Richson, on education, 185.
Rights: instinct of personal, 49–51; perception of others, 49–51; justice and personal, 51–53; denial of, 53–54, 57–59; and greatest happiness, 54; relative merits, 57–59; of property, 62–64, 390–97, 410; of property in ideas, 68–72; of women, 73–79; of children, 80–90; political, 91–94; and national education, 156; natural, 387–90, 392–97; individual and social, 397–401, 401–5, 407–11.
Robbery, (*see* Theft).
Roman Catholicism, and law of equal freedom, 37, 38.
Rome, republic unpopular in, 287–88.
Rote-learning, and memory, 182–83.
Rugg, H. H., on milk adulteration, 162.
Russia: dishonesty in, 101; and officialism, 134 *n.*; morality, 243; assassination in, 262 and *n.*; official rank in, 316; serfdom in, 322.

Sanitary Supervision: 200–220; restriction of State interference, 200–1, 201–2, 218–19, 351–52; moral supervision, 202–3; and natural selection, 203–7; result of present legislation, 207–12; inefficiency of boards of health, 212–15; effect on character, 215–18; private enterprise, 218–20.
Savage, and civilization, 238–39.
Scales, social analogy, 315.
Schelling, F. W. J., theory of life, 256 *n.*
Schools, (*see* Education).
Science: and universities, 168; religion and suffering, 308; individual life, 397–401; social life, 401–5.
Scinde, cost of, 192.
Scotland, banking in, 223–24.
Sea-birds Act, 292.
Seed Supply Act, 289.
Selfishness: prevalence of, 95–97; at fires, 263; and social affairs, 265–67.
Sensitiveness, individual and social, 271–72.
Sentiment, development of, 126.
Servants: "thank you," 75; treatment of, 372.
Sewage: disposal of, 218–20; Cheltenham drainage, 218 *n.*; (*see also* Sanitary Supervision).
Shaftesbury, Earl, error of doctrine, 22.
Shame, and sympathy, 50.
Shipping, (*see* Merchant Shipping Act).
Shipwrecks, prevention, 353.
Silk-weavers, and legislation, 340.
Silver: hall-marking, 351; (*see also* Currency).
Sir, used by children, 82.
Slavery: suppression in Africa, 11–12; and Society of Friends, 52; cruelty of emancipated slaves, 52; and education, 87; recommended, 129; and sympathy, 239–40; in Jamaica, 240; and religion, 250; and free men, 250; in America, 262; slave valuation, 264; and whig principles, 284; and surrender of liberty, 296–99; The Coming, 302–33; suffering and responsibility, 302–4; poor law system, 304–8; and socialism, 321–22; effect of, 336.
Small-pox: and vaccination, 212–13, 291; cause, 267–68.
Smith, Adam: theory of moral sentiments, 49–51; money is wealth, 103.
Society: knowledge of man and, 14; condition to happiness, 33–35; government and activity, 36–40; harmony of political, connubial, and filial relationships, 77, 81, 82–84; regulation of commerce and general state of, 137–40; the right of maintenance, 144–46; general morality, 265–67; and the in-

dividual, 267-73; a growth, 215-16; 371; structure, 241; division of labour, 268-73; interdependence of parts, 271-72; individuation, 272; benefits to mature and immature, 359-60; genesis and traits of, 373-75; individual life, 397-401.
Socialism: and property, 65-67; propaganda, 319; and slavery, 321; evils, 328-33.
Social Statics, alterations in, 61.
Soldiers: sympathy at flogging, 50; and policemen, 118; (*see also* Militancy, War.)
Sociology, (*see* Society).
Soil, (*see* Earth).
Sovereign, the; Hobbes on, 378-80; Austin on, 380.
Spain: justification for war, 74; and colonization, 196.
Specialization, and organization, 121.
Special pleading, in Ireland, 101.
Species, continuance of, 359-63.
Spencer, Rev. T., and poor law, 304-5.
Spendthrift, instinct of, 19.
Sport, in England, 102.
State, the: constitution of, 95-108; prevalent selfishness, 95-97; vices of rich and poor, 97-99; prevalent dishonesty, 99-102; ignorance of enfranchised, 102-5; democracy, 105-8; duty of, 109-20, 126-27; corrupt administration of justice, 109-10, 110-11; should be well administered, 111-14; duty of defence, 117-20; limit of duty, 121-36; specialization of function, 121-23; evils of administrative mechanism, 123-24, 126; difficulty of defining duty, 127-31; evils of officialism, 131-36; and regulation of commerce, 137-40; religious establishments, 141-43; and trade interference, 161-62; education and conduct, 170-76; religion and education, 179-85; and voluntary education, 185-87; regulation of currency, 221-24; as banker, 224-25; as coiner, 225-26; and postal arrangements, 228-31; and execution of public works, 231-32; ethics of, and of family, 361-63; landowner, 386; (*see also* Education, Government).
Statistics, ignorance of, 207.
Statics, the term social, 233.
Stealing, (*see* Theft).
Stewardship, parliamentary analogy, 91.
Sumatra, customs in, 391.
Supply and demand, 215-16, 342-47.
Survival of the Fittest, (*see* Natural Selection).
Sympathy: and instinct of personal rights, 49-51; justice, 51-53; exercise needful to, 84; and poor laws, 146-49, 149-53; and disease, 206; for men and animals, 234-36; and slavery, 239-41; with suffering, 302; and civilized life, 364; and struggle for existence, 365-69.

Tailoring: and State duty, 128.
Tannese, club law, 399.
Tasmanians, rights among, 399.
Tax-collector, effect of visit, 147.
Taxes: and selfishness, 96; limit of State duty, 123, 124; and discontent, 135; and sanitary supervision, 200-1; 215-18; on bricks, windows, and ventilators, 211 *n.*, 344; restrictive legislation, 295-96; in New York, 324 *n.*; on building, 343-44; and aggression, 369-71.
Tay Bridge, failure of, 351.
Telegraphy: physical and moral force, 116-17; restrictive legislation, 292; and Admiralty, 350.
Theatres: and State duty, 130; fires at, 263.
Theft: and perfect law, 26; property in ideas, 69; praised by Spartans, 74; administration of justice, 109, 110-11; and knowledge, 174; and loyalty, 243; effect of, 404-5; rights of property, 409-10.
Theory, truth of, 81.
Thiers, M., on railways, 404.
Timber, legislation and house-, 344.
Toryism: The New, 281-301; intrinsic nature, 281-86; common to villages, 282; aim of, 283; and compulsory co-operation, 299-300, 301.
Trade: "good for," 103-4; and State interference, 127-31, 161-62, 289; and crime, 172-73; and colonization, 190-92, 192-94; and American independence, 194; English colonial, 196; supply and demand, 216; conduct and law, 245-46; and affairs of society, 265-67; interdependence of, 271-72; and democratic federation, 319; and individual effort, 357-59; (*see also* Labour, Industrialism).
Trade Unions: coercion of, 297; English and foreign, 317; organization, 328-29; congress of, in France, 331.
Transition: stage of, unhappy, 364; present social stage, 412; necessarily gradual, 414-15.
Turkey, medical officers in, 203.
Tyranny: and cringing, 243; and assassination, 262.

Uapés: law of, 399.
Usage, precedes law, 298.
Usury, effect of laws, 128, 132, 339.
Utility, indefiniteness of phrase, 21.
Utilitarianism, and governmental authority, 407-11.

Vaccination: and small pox, 212-13; enforcement, 291.

Veddahs, rights among, 398.
Ventilation: tax on, 211 *n.*; and sanitary supervision, 208.
Vertebrata: vision, 268–69; number of vertebræ, 269; locomotion, 269–70.
Vignoles, C. B., on railways, 404 *n.*
Vision: adaptation of, 29, 32; of insects and vertebrata, 268–69; development of, 286.
Votes, desire in politics for, 318–19.

Wages: effect of law on, 12, 138, 246, 294; payment of, 264; poor law and "make-wages," 305; effect of poor law, 306–8.
Wakley, Mr., on counter-practice, 204.
Water-works, first in London, 217.
War: "just cause for," 74; and defensive duty of the State, 117–20; Nature's, 149; cost of English, 192; and emigration, 198; authority of chief, 334; of lower creatures, 363; Boer, 366–67; genesis of society, 373–75; and sovereignty, 378–81; and will of majority, 385; and subordination, 394–95, 413–14; and retaliation, 416–17; (*see also* Militancy).
Wealth: and property in ideas, 70; and moral worth, 97–99; and colonization, 190.
Weavers' wages, 12.
Whig, (*see* Liberalism).
Wife, (*see* Women).
Window Tax, effect, 211 *n.*, 344.
Windsor Castle, built by impressed labour, 101.
Wolf and lamb fable, 74.
Women: rights of, 73–79; ability, 73; love and coercion, 75–77; and civilization, 77, 81, 82–84; prospect of rights, 77–79; political position, 79; bargains of, 102 and *n.*; restrictive legislation, 291, 293; property of married, 396.
Wool, industry, 402.
Work: and freedom, 41; and law of nature, 303; (*see also* Industrialism, Labour, Trade).
Working men, moral worth, 97.

Yorkshire industries, 402.

LIBRARY OF THE UNIVERSITY OF CALIFORNIA

more important than reading, should decide to change the purpose of their union, and to apply the funds in hand for the purchase of powder, ball, and targets. Would the rest be bound by this decision? Suppose that under the excitement of news from Australia, the majority of a Freehold Land Society should determine, not simply to start in a body for the gold-diggings, but to use their accumulated capital to provide outfits. Would this appropriation of property be just to the minority? and must these join the expedition? Scarcely anyone would venture an affirmative answer even to the first of these questions; much less to the others. And why? Because everyone must perceive that by uniting himself with others, no man can equitably be betrayed into acts utterly foreign to the purpose for which he joined them. Each of these supposed minorities would properly reply to those seeking to coerce them:—'We combined with you for a defined object; we gave money and time for the furtherance of that object; on all questions thereto arising we tacitly agreed to conform to the will of the greater number; but we did not agree to conform on any other questions. If you induce us to join you by professing a certain end, and then undertake some other end of which we were not apprised, you obtain our support under false pretences; you exceed the expressed or understood compact to which we committed ourselves; and we are no longer bound by your decisions.' Clearly this is the only rational interpretation of the matter. The general principle underlying the right government of every incorporated body, is, that its members contract with one another severally to submit to the will of the majority in all matters concerning the fulfilment of the objects for which they are incorporated; but in no others. To this extent only can the contract hold. For as it is implied in the very nature of a contract, that those entering into it must know what they contract to do; and as those who unite with others for a specified object, cannot contemplate all the unspecified objects which it is hypothetically possible for the union to undertake; it follows that the contract entered into cannot extend to such unspecified objects. And if there exists no expressed or understood contract between the union and its members respecting unspecified objects, then for the majority to coerce the minority into undertaking them, is nothing less than gross tyranny."

Naturally, if such a confusion of ideas exists in respect of the powers of a majority where the deed of incorporation tacitly limits those powers, still more must there exist such a confusion where there has been no deed of incorporation. Nevertheless the same principle holds. I again emphasize

selves to abide by the will of the majority in respect of the fashions and qualities of their clothes, nearly all of them would refuse. In like manner if (to take an actual question of the day) people were polled to ascertain whether, in respect of the beverages they drank, they would accept the decision of the greater number, certainly half, and probably more than half, would be unwilling. Similarly with respect to many other actions which most men now-a-days regard as of purely private concern. Whatever desire there might be to co-operate for carrying on, or regulating, such actions, would be far from a unanimous desire. Manifestly, then, had social co-operation to be commenced by ourselves, and had its purposes to be specified before consent to co-operate could be obtained, there would be large parts of human conduct in respect of which co-operation would be declined; and in respect of which, consequently, no authority by the majority over the minority could be rightly exercised.

Turn now to the converse question—For what ends would all men agree to co-operate? None will deny that for resisting invasion the agreement would be practically unanimous. Excepting only the Quakers, who, having done highly useful work in their time, are now dying out, all would unite for defensive war (not, however, for offensive war); and they would, by so doing, tacitly bind themselves to conform to the will of the majority in respect of measures directed to that end. There would be practical unanimity, also, in the agreement to co-operate for defence against internal enemies as against external enemies. Omitting criminals, all must wish to have person and property adequately protected. Each citizen desires to preserve his life, to preserve things which conduce to maintenance and enjoyment of his life, and to preserve intact his liberties both of using these things and getting further such. It is obvious to him that he cannot do all this if he acts alone. Against foreign invaders he is powerless unless he combines with his fellows; and the business of protecting himself against domestic invaders, if

he did not similarly combine, would be alike onerous, dangerous, and inefficient. In one other co-operation all are interested—use of the territory they inhabit. Did the primitive communal ownership survive, there would survive the primitive communal control of the uses to be made of land by individuals or by groups of them; and decisions of the majority would rightly prevail respecting the terms on which portions of it might be employed for raising food, for making means of communication, and for other purposes. Even at present, though the matter has been complicated by the growth of private landownership, yet, since the State is still supreme owner (every landlord being in law a tenant of the Crown) able to resume possession, or authorize compulsory purchase, at a fair price; the implication is that the will of the majority is valid respecting the modes in which and conditions under which, parts of the surface or sub-surface, may be utilized: involving certain agreements made on behalf of the public with private persons and companies.

Details are not needful here; nor is it needful to discuss that border region lying between these two classes of cases, and to say how much is included in the last and how much is excluded with the first. For present purposes, it is sufficient to recognize the undeniable truth that there are numerous kinds of actions in respect of which men would not, if they were asked, agree with anything like unanimity to be bound by the will of the majority; while there are some kinds of actions in respect of which they would almost unanimously agree to be thus bound. Here, then, we find a definite warrant for enforcing the will of the majority within certain limits, and a definite warrant for denying the authority of its will beyond those limits.

But evidently, when analyzed, the question resolves itself into the further question—What are the relative claims of the aggregate and of its units? Are the rights of the community universally valid against the individual? or has the individual some rights which are valid against the com-

munity? The judgment given on this point underlies the entire fabric of political convictions formed, and more especially those convictions which concern the proper sphere of government. Here, then, I propose to revive a dormant controversy, with the expectation of reaching a different conclusion from that which is fashionable.

Says Professor Jevons, in his work, *The State in Relation to Labour*,—"The first step must be to rid our minds of the idea that there are any such things in social matters as abstract rights." Of like character is the belief expressed by Mr. Matthew Arnold in his article on Copyright:—"An author has no natural right to a property in his production. But then neither has he a natural right to anything whatever which he may produce or acquire." * So, too, I recently read in a weekly journal of high repute, that "to explain once more that there is no such thing as 'natural right' would be a waste of philosophy." And the view expressed in these extracts is commonly uttered by statesmen and lawyers in a way implying that only the unthinking masses hold any other.

One might have expected that utterances to this effect would have been rendered less dogmatic by the knowledge that a whole school of legists on the Continent, maintains a belief diametrically opposed to that maintained by the English school. The idea of *Natur-recht* is the root-idea of German jurisprudence. Now whatever may be the opinion held respecting German philosophy at large, it cannot be characterised as shallow. A doctrine current among a people distinguished above all others as laborious inquirers, and certainly not to be classed with superficial thinkers, should not be dismissed as though it were nothing more than a popular delusion. This, however, by the way. Along with the proposition denied in the above quotations, there goes a

* *Fortnightly Review*, 1880, vol. xxvii. p. 322.

counter-proposition affirmed. Let us see what it is; and what results when we go behind it and seek its warrant.

On reverting to Bentham, we find this counter-proposition openly expressed. He tells us that government fulfils its office "by creating rights which it confers upon individuals: rights of personal security; rights of protection for honour; rights of property; &c.* Were this doctrine asserted as following from the divine right of kings, there would be nothing in it manifestly incongruous. Did it come to us from ancient Peru, where the Ynca "was the source from which everything flowed;" † or from Shoa (Abyssinia), where "of their persons and worldly substance he [the King] is absolute master;" ‡ or from Dahome, where "all men are slaves to the king;" * it would be consistent enough. But Bentham, far from being an absolutist like Hobbes, wrote in the interests of popular rule. In his *Constitutional Code*, he fixes the sovereignty in the whole people; arguing that it is best "to give the sovereign power to the largest possible portion of those whose greatest happiness is the proper and chosen object," because "this proportion is more apt than any other that can be proposed" for achievement of that object.

Mark, now, what happens when we put these two doctrines together. The sovereign people jointly appoint representatives, and so create a government; the government thus created, creates rights; and then, having created rights, it confers them on the separate members of the sovereign people by which it was itself created. Here is a marvellous piece of political legerdemain! Mr. Matthew Arnold, contending, in the article above quoted, that "property is the creation of law," tells us to beware of the "metaphysical

* Bentham's Works (Bowring's edition), vol. i. p. 301.

† W. H. Prescott, *Conquest of Peru*, bk. i. ch. i.

‡ J. Harris, *Highlands of Æthiopia*, ii. 94.

* R. F. Burton, *Mission to Gelele, King of Dahome*, i. p. 226.

‖ Bentham's Works, vol. ix. p. 97.

That these violent overturnings of early institutions fail to do what their originators hope, and that they finally result in the setting up of institutions not much better than those superseded, is quite true. But it is none the less true that the modifications they effect can be effected in no other way. Non-adaptation necessitates a bad mode of making changes, as well as a bad political organization. Not only must the habitual rule it calls for be severe, but even small ameliorations of this cannot be obtained without much suffering. Conversely, the same causes which render a better social state possible, render the successive modifications of it easier. These occur under less pressure, with smaller disturbance, and more frequently; until, by a gradual diminution in the amounts and intervals of change, the process merges into one of uninterrupted growth.

There is another form under which civilization can be generalized. We may consider it as a progress towards that constitution of man and society required for the complete manifestation of every one's individuality. To be that which he naturally is—to do just what he would spontaneously do—is essential to the full happiness of each, and therefore to the greatest happiness of all. Hence, in virtue of the law of adaptation, our advance must be towards a state in which this entire satisfaction of every desire, or perfect fulfilment of individual life, becomes possible. In the beginning it is impossible. If uncontrolled, the impulses of the aboriginal man produce anarchy. Either his individuality must be curbed or society must dissolve. With ourselves, though restraint is still needful, the private will of the citizen, not being so destructive of order, has more play. And further progress must be towards increased sacredness of personal claims, and a subordination of whatever limits them.

There are plenty of facts illustrating the thesis that under primitive governments the repression of individuality is

satisfy their desires, and have, as an aggregate, possession of all the sources of satisfaction, as well as power over all individual actions, appoint a government, which declares the ways in which, and the conditions under which, individual actions may be carried on and the satisfactions obtained. Let us observe the implications. Each man exists in two capacities. In his private capacity he is subject to the government. In his public capacity he is one of the sovereign people who appoint the government. That is to say, in his private capacity he is one of those to whom rights are given: and in his public capacity he is one of those who, through the government they appoint, give the rights. Turn this abstract statement into a concrete statement, and see what it means. Let the community consist of a million men, who, by the hypothesis, are not only joint possessors of the inhabited region, but joint possessors of all liberties of action and appropriation: the only right recognized being that of the aggregate to everything. What follows? Each person, while not owning any product of his own labour, has, as a unit in the sovereign body, a millionth part of the ownership of the products of all others' labour. This is an unavoidable implication. As the government, in Bentham's view, is but an agent; the rights it confers are rights given to it in trust by the sovereign people. If so, such rights must be possessed *en bloc* by the sovereign people before the government, in fulfilment of its trust, confers them on individuals; and, if so, each individual has a millionth portion of these rights in his public capacity, while he has no rights in his private capacity. These he gets only when all the rest of the million join to endow him with them; while he joins to endow with them every other member of the million!

Thus, in whatever way we interpret it, Bentham's proposition leaves us in a plexus of absurdities.

Even though ignoring the opposite opinion of German and French writers on jurisprudence, and even without a

analysis which proves their own opinion to be untenable, Bentham's disciples might have been lead to treat less cavalierly the doctrine of natural rights. For sundry groups of social phenomena unite to prove that this doctrine is well warranted, and the doctrine they set against it unwarranted.

Tribes all over the world show us that before definite government arises, conduct is regulated by customs. The Bechuanas are controlled by "long-acknowledged customs." * Among the Koranna Hottentots, who only "tolerate their chiefs rather than obey them," † "when ancient usages are not in the way, every man seems to act as is right in his own eyes." ‡ The Araucanians are guided by "nothing more than primordial usuages or tacit conventions." # Among the Kirghizes the judgments of the elders are based on "universally-recognized customs." ‖ Similarly of the Dyaks, Rajah Brooke says that "custom seems simply to have become the law; and breaking custom leads to a fine." ^ So sacred are immemorial customs with the primitive man, that he never dreams of questioning their authority; and when government arises, its power is limited by them. In Madagascar the king's word suffices only "where there is no law, custom, or precedent." ◊ Raffles tells us that in Java "the customs of the country" ‡ restrain the will of the ruler. In Sumatra, too, the people do not allow their chiefs to "alter their ancient usages." ‡ Nay, occasionally, as in Ashantee,

---

* W. J. Burchell, *Travels into the Interior of Southern Africa*, vol. i. p. 544.

† Arbousset and Daumas, *Voyage of Exploration*, p. 27.

‡ G. Thompson, *Travels and Adventures in Southern Africa*, vol. ii. p. 80.

G. A. Thompson, *Alcedo's Geographical and Historical Dictionary of America*, vol. i. p. 405.

‖ Alex. Michie, *Siberian Overland Route*, p. 248.

^ C. Brooke, *Ten Years in Sarâwak*, vol. i. p. 129.

◊ W. Ellis, *History of Madagascar*, vol. i. p. 377.

‡ Sir T. S. Raffles, *History of Java*, i. 274.

‡ W. Marsden, *History of Sumatra*, p. 217.

more important than reading, should decide to change the purpose of their union, and to apply the funds in hand for the purchase of powder, ball, and targets. Would the rest be bound by this decision? Suppose that under the excitement of news from Australia, the majority of a Freehold Land Society should determine, not simply to start in a body for the gold-diggings, but to use their accumulated capital to provide outfits. Would this appropriation of property be just to the minority: and must these join the expedition? Scarcely anyone would venture an affirmative answer even to the first of these questions; much less to the others. And why? Because everyone must perceive that by uniting himself with others, no man can equitably be betrayed into acts utterly foreign to the purpose for which he joined them. Each of these supposed minorities would properly reply to those seeking to coerce them:—'We combined with you for a defined object; we gave money and time for the furtherance of that object; on all questions thence arising we tacitly agreed to conform to the will of the greater number; but we did not agree to conform on any other questions. If you induce us to join you by professing a certain end, and then undertake some other end of which we were not apprised, you obtain our support under false pretences; you exceed the expressed or understood compact to which we committed ourselves; and we are no longer bound by your decisions.' Clearly this is the only rational interpretation of the matter. The general principle underlying the right government of every incorporated body, is, that its members contract with one another severally to submit to the will of the majority in all matters concerning the fulfilment of the objects for which they are incorporated; but in no others. To this extent only can the contract hold. For as it is implied in the very nature of a contract, that those entering into it must know what they contract to do; and as those who unite with others for a specified object, cannot contemplate all the unspecified objects which it is hypothetically possible for the union to undertake; it follows that the contract entered into cannot extend to such unspecified objects. And if there exists no expressed or understood contract between the union and its members respecting unspecified objects, then for the majority to coerce the minority into undertaking them, is nothing less than gross tyranny."

Naturally, if such a confusion of ideas exists in respect of the powers of a majority where the deed of incorporation tacitly limits those powers, still more must there exist such a confusion where there has been no deed of incorporation. Nevertheless the same principle holds. I again emphasize

the proposition that the members of an incorporated body are bound "severally to submit to the will of the majority *in all matters concerning the fulfilment of the objects for which they are incorporated; but in no others.*" And I contend that this holds of an incorporated nation as much as of an incorporated company.

"Yes, but," comes the obvious rejoinder, "as there is no deed by which the members of a nation are incorporated—as there neither is, nor ever was, a specification of purposes for which the union was formed, there exist no limits; and, consequently, the power of the majority is unlimited."

Evidently it must be admitted that the hypothesis of a social contract, either under the shape assumed by Hobbes or under the shape assumed by Rousseau, is baseless. Nay more, it must be admitted that even had such a contract once been formed, it could not be binding on the posterity of those who formed it. Moreover, if any say that in the absence of those limitations to its powers which a deed of incorporation might imply, there is nothing to prevent a majority from imposing its will on a minority by force, assent must be given —an assent, however, joined with the comment that if the superior force of the majority is its justification, then the superior force of a despot backed by an adequate army, is also justified; the problem lapses. What we here seek is some higher warrant for the subordination of minority to majority than that arising from inability to resist physical coercion. Even Austin, anxious as he is to establish the unquestionable authority of positive law, and assuming, as he does, an absolute sovereignty of some kind, monarchic, aristocratic, constitutional, or popular, as the source of its unquestionable authority, is obliged, in the last resort, to admit a moral limit to its action over the community. While insisting, in pursuance of his rigid theory of sovereignty, that a sovereign body originating from the people "is *legally* free to abridge their political liberty, at its own pleasure or discretion," he allows that "a government may be hindered by

cult having in all places the same fundamental traits; the traces of division of labour, early displayed, which gradually become more marked; and the various complications, political, ecclesiastical, industrial, which arise as groups are compounded and re-compounded by war; prove to any who compare them that, apart from all their special differences, societies have general resemblances in their modes of origin and development. They present traits of structure showing that social organization has laws which over-ride individual wills; and laws the disregard of which must be fraught with disaster.

And then, in the third place, there is that mass of guiding information yielded by the records of legislation in our own country and in other countries, which still more obviously demands attention. Here and elsewhere, attempts of multitudinous kinds, made by kings and statesmen, have failed to do the good intended and have worked unexpected evils. Century after century new measures like the old ones, and other measures akin in principle, have again disappointed hopes and again brought disaster. And yet it is thought neither by electors nor by those they elect, that there is any need for systematic study of that law-making which in bygone ages went on working the ill-being of the people when it tried to achieve their well-being. Surely there can be no fitness for legislative functions without wide knowledge of those legislative experiences which the past has bequeathed.

Reverting, then, to the analogy drawn at the outset, we must say that the legislator is morally blameless or morally blameworthy, according as he has or has not acquainted himself with these several classes of facts. A physician who, after years of study, has gained a competent knowledge of physiology, pathology, and therapeutics, is not held criminally responsible if a man dies under his treatment: he has prepared himself as well as he can, and has acted to the best of his judgment. Similarly the legislator whose measures produce evil instead of good, notwithstanding the extensive

and methodic inquiries which helped him to decide, cannot be held to have committed more than an error of reasoning. Contrariwise, the legislator who is wholly or in great part uninformed concerning the masses of facts which he must examine before his opinion on a proposed law can be of any value, and who nevertheless helps to pass that law, can no more be absolved if misery and mortality result, than the journeyman druggist can be absolved when death is caused by the medicine he ignorantly prescribes.

that men are to be under the discipline which animals are under. I care nothing for your natural-history arguments. My conscience shows me that the feeble and the suffering must be helped; and if selfish people won't help them, they must be forced by law to help them. Don't tell me that the milk of human kindness is to be reserved for the relations between individuals, and that Governments must be the administrators of nothing but hard justice. Every man with sympathy in him must feel that hunger and pain and squalor must be prevented; and that if private agencies do not suffice, then public agencies must be established."

Such is the kind of response which I expect to be made by nine out of ten. In some of them it will doubtless result from a fellow-feeling so acute that they cannot contemplate human misery without an impatience which excludes all thought of remote results. Concerning the susceptibilities of the rest, we may, however, be somewhat sceptical. Persons who are angry if, to maintain our supposed national "interests" or national "*prestige*," those in authority do not send out thousands of men to be partially destroyed while destroying other thousands of men because we suspect their intentions, or dislike their institutions, or want their territory, cannot after all be so tender in feeling that contemplating the hardships of the poor is intolerable to them. Little admiration need be felt for the professed sympathies of people who urge on a policy which breaks up progressing societies; and who then look on with cynical indifference at the weltering confusion left behind, with all its entailed suffering and death. Those who, when Boers, asserting their independ-

---

sides great numbers of idiots, imbeciles, drunkards, lunatics, paupers, and prostitutes, "the county records show two hundred of her descendants who have been criminals." Was it kindness or cruelty which, generation after generation, enabled these to multiply and become an increasing curse to the society around them? [For particulars see *The Jukes: a Study in Crime, Pauperism, Disease and Heredity.* By R. L. Dugdale. New York: Putnams.]

ence, successfully resisted us, were angry because British "honour" was not maintained by fighting to avenge a defeat, at the cost of more mortality and misery to our own soldiers and their antagonists, cannot have so much "enthusiasm of humanity" as protests like that indicated above would lead one to expect. Indeed, along with this sensitiveness which it seems will not let them look with patience on the pains of "the battle of life" as it quietly goes on around, they appear to have a callousness which not only tolerates but enjoys contemplating the pains of battles of the literal kind; as one sees in the demand for illustrated papers containing scenes of carnage, and in the greediness with which detailed accounts of bloody engagements are read. We may reasonably have our doubts about men whose feelings are such that they cannot bear the thought of hardships borne, mostly by the idle and the improvident, and who, nevertheless, have demanded thirty-one editions of *The Fifteen Decisive Battles of the World*, in which they may revel in accounts of slaughter. Nay, even still more remarkable is the contrast between the professed tender-heartedness and the actual hard-heartedness of those who would reverse the normal course of things that immediate miseries may be prevented, even at the cost of greater miseries hereafter produced. For on other occasions you may hear them, with utter disregard of bloodshed and death, contend that in the interests of humanity at large, it is well that the inferior races should be exterminated and their places occupied by the superior races. So that, marvellous to relate, though they cannot bear to think of the evils accompanying the struggle for existence as it is carried on without violence among individuals in their own society, they contemplate with equanimity such evils in their intense and wholesale forms, when inflicted by fire and sword on entire communities. Not worthy of much respect then, as it seems to me, is this generous consideration of the inferior at home which is accompanied by unscrupulous sacrifice of the inferior abroad.

Still less respectable appears this extreme concern for those of our own blood which goes along with utter unconcern for those of other blood, when we observe its methods. Did it prompt personal effort to relieve the suffering, it would rightly receive approving recognition. Were the many who express this cheap pity like the few who devote large parts of their time to aiding and encouraging, and occasionally amusing, those who, by ill-fortune or incapacity, are brought to lives of hardship, they would be worthy of unqualified admiration. The more there are of men and women who help the poor to help themselves—the more there are of those whose sympathy is exhibited directly and not by proxy, the more we may rejoice. But the immense majority of the persons who wish to mitigate by law the miseries of the unsuccessful and the reckless, propose to do this in small measure at their own cost and mainly at the cost of others—sometimes with their assent but mostly without. More than this is true; for those who are to be forced to do so much for the distressed, often equally or more require something doing for them. The deserving poor are among those who are taxed to support the undeserving poor. As, under the old Poor Law, the diligent and provident labourer had to pay that the good-for-nothings might not suffer, until frequently under this extra burden he broke down and himself took refuge in the workhouse—as, at present, the total rates levied in large towns for all public purposes, have reached such a height that they "cannot be exceeded without inflicting great hardship on the small shop-keepers and artisans, who already find it difficult enough to keep themselves free from the pauper taint;" * so in all cases, the policy is one which intensifies the pains of those most deserving of pity, that the pains of those least deserving of pity may be mitigated. Men who are so sympathetic that they cannot let the struggle for existence bring on the un-

* Mr. J. Chamberlain in *Fortnightly Review*, December, 1883, p. 772.

worthy the sufferings consequent on their incapacity or misconduct, are so unsympathetic that they can, deliberately, make the struggle for existence harder for the worthy, and inflict on them and their children artificial evils in addition to the natural evils they have to bear!

And here we are brought round to our original topic—the sins of legislators. Here there comes clearly before us the commonest of the transgressions which rulers commit—a transgression so common, and so sanctified by custom, that no one imagines it to be a transgression. Here we see that, as indicated at the outset, Government, begotten of aggression and by aggression, ever continues to betray its original nature by its aggressiveness; and that even what on its nearer face seems beneficence only, shows, on its remoter face, not a little maleficence—kindness at the cost of cruelty. For is it not cruel to increase the sufferings of the better that the sufferings of the worse may be decreased?

It is, indeed, marvellous how readily we let ourselves be deceived by words and phrases which suggest one aspect of the facts while leaving the opposite aspect unsuggested. A good illustration of this, and one germane to the immediate question, is seen in the use of the words "protection" and "protectionist" by the antagonists of free-trade, and in the tacit admission of its propriety by free-traders. While the one party has habitually ignored, the other party has habitually failed to enphasize, the truth that this so-called protection always involves aggression; and that the name aggressionist ought to be substituted for the name protectionist. For nothing can be more certain than that if, to maintain A's profit, B is forbidden to buy of C, or is fined to the extent of the duty if he buys of C, then B is aggressed upon that A may be "protected." Nay, "aggressionists" is a title doubly more applicable to the anti-free-traders than is the euphemistic title "protectionists;" since, that one producer may gain, ten consumers are fleeced.

Now just the like confusion of ideas, caused by looking at one face only of the transaction, may be traced throughout all the legislation which forcibly takes the property of this man for the purpose of giving gratis benefits to that man. Habitually when one of the numerous measures thus characterized is discussed, the dominant thought is concerning the pitiable Jones who is to be protected against some evil; while no thought is given to the hard-working Brown who is aggressed upon, often much more to be pitied. Money is exacted (either directly or through raised rent) from the huckster who only by extreme pinching can pay her way, from the mason thrown out of work by a strike, from the mechanic whose savings are melting away during an illness, from the widow who washes or sews from dawn to dark to feed her fatherless little ones; and all that the dissolute may be saved from hunger, that the children of less impoverished neighbours may have cheap lessons, and that various people, mostly better off, may read newspapers and novels for nothing! The error of nomenclature is, in one respect, more misleading than that which allows aggressionists to be called protectionists; for, as just shown, protection of the vicious poor involves aggression on the virtuous poor. Doubtless it is true that the greater part of the money exacted comes from those who are relatively well-off. But this is no consolation to the ill-off from whom the rest is exacted. Nay, if the comparison be made between the pressures borne by the two classes respectively, it becomes manifest that the case is even worse than at first appears; for while to the well-off the exaction means loss of luxuries, to the ill-off it means loss of necessaries.

And now see the Nemesis which is threatening to follow this chronic sin of legislators. They and their class, in common with all owners of property, are in danger of suffering from a sweeping application of that general principle practically asserted by each of these confiscating Acts of Parliament. For what is the tacit assumption on which such Acts

proceed? It is the assumption that no man has any claim to his property, not even to that which he has earned by the sweat of his brow, save by permission of the community; and that the community may cancel the claim to any extent it thinks fit. No defence can be made for this appropriation of A's possessions for the benefit of B, save one which sets out with the postulate that society as a whole has an absolute right over the possessions of each member. And now this doctrine, which has been tacitly assumed, is being openly proclaimed. Mr. George and his friends, Mr. Hyndman and his supporters, are pushing the theory to its logical issue. They have been instructed by examples, yearly increasing in number, that the individual has no rights but what the community may equitably over-ride; and they are now saying—"It shall go hard but we will better the instruction," and abolish individual rights altogether.

Legislative misdeeds of the classes above indicated are in large measure explained, and reprobation of them mitigated, when we look at the matter from afar off. They have their root in the error that society is a manufacture; whereas it is a growth. Neither the culture of past times nor the culture of the present time, has given to any considerable number of people a scientific conception of a society—a conception of it as having a natural structure in which all its institutions, governmental, religious, industrial, commercial, &c., are interdependently bound—a structure which is in a sense organic. Or if such a conception is nominally entertained, it is not entertained in such way as to be operative on conduct. Contrariwise, incorporated humanity is very commonly thought of as though it were like so much dough which the cook can mould as she pleases into pie-crust, or puff, or tartlet. The communist shows us unmistakably that he thinks of the body politic as admitting of being shaped thus or thus at will; and the tacit implication of many Acts of Parliament is that

aggregated men, twisted into this or that arrangement, will remain as intended.

It may indeed be said that, even irrespective of this erroneous conception of a society as a plastic mass instead of as an organized body, facts forced on his attention hour by hour should make everyone sceptical as to the success of this or that proposed way of changing a people's actions. Alike to the citizen and to the legislator, home-experiences daily supply proofs that the conduct of human beings baulks calculation. He has given up the thought of managing his wife and lets her manage him. Children on whom he has tried now reprimand, now punishment, now suasion, now reward, do not respond satisfactorily to any method; and no expostulation prevents their mother from treating them in ways he thinks mischievous. So, too, his dealings with his servants, whether by reasoning or by scolding, rarely succeed for long; the falling short of attention, or punctuality, or cleanliness, or sobriety, leads to constant changes. Yet, difficult as he finds it to deal with humanity in detail, he is confident of his ability to deal with embodied humanity. Citizens, not one-thousandth of whom he knows, not one-hundredth of whom he ever saw, and the great mass of whom belong to classes having habits and modes of thought of which he has but dim notions, he feels sure will act in ways he foresees, and fulfil ends he wishes. Is there not a marvellous incongruity between premises and conclusion?

One might have expected that whether they observed the implications of these domestic failures, or whether they contemplated in every newspaper the indications of a social life too vast, too varied, too involved, to be even vaguely pictured in thought, men would have entered on the business of lawmaking with the greatest hesitation. Yet in this more than anything else do they show a confident readiness. Nowhere is there so astounding a contrast between the difficulty of the task and the unpreparedness of those who undertake it. Unquestionably among monstrous beliefs one of the most mon-

strous is that while for a simple handicraft, such as shoemaking, a long apprenticeship is needful, the sole thing which needs no apprenticeship is making a nation's laws!

Summing up the results of the discussion, may we not reasonably say that there lie before the legislator several open secrets, which yet are so open that they ought not to remain secrets to one who undertakes the vast and terrible responsibility of dealing with millions upon millions of human beings by measures which, if they do not conduce to their happiness, will increase their miseries and accelerate their deaths?

There is first of all the undeniable truth, conspicuous and yet absolutely ignored, that there are no phenomena which a society presents but what have their origins in the phenomena of individual human life, which again have their roots in vital phenomena at large. And there is the inevitable implication that unless these vital phenomena, bodily and mental, are chaotic in their relations (a supposition excluded by the very maintenance of life) the resulting phenomena cannot be wholly chaotic: there must be some kind of order in the phenomena which grow out of them when associated human beings have to co-operate. Evidently, then, when one who has not studied such resulting phenomena of social order, undertakes to regulate society, he is pretty certain to work mischiefs.

In the second place, apart from *a priori* reasoning, this conclusion should be forced on the legislator by comparisons of societies. It ought to be sufficiently manifest that before meddling with the details of social organization, inquiry should be made whether social organization has a natural history; and that to answer this inquiry, it would be well, setting out with the simplest societies, to see in what respects social structures agree. Such comparative sociology, pursued to a very small extent, shows a substantial uniformity of genesis. The habitual existence of chieftainship, and the establishment of chiefly authority by war; the rise everywhere of the medicine man and priest; the presence of a

cult having in all places the same fundamental traits; the traces of division of labour, early displayed, which gradually become more marked; and the various complications, political, ecclesiastical, industrial, which arise as groups are compounded and re-compounded by war; prove to any who compare them that, apart from all their special differences, societies have general resemblances in their modes of origin and development. They present traits of structure showing that social organization has laws which over-ride individual wills; and laws the disregard of which must be fraught with disaster.

And then, in the third place, there is that mass of guiding information yielded by the records of legislation in our own country and in other countries, which still more obviously demands attention. Here and elsewhere, attempts of multitudinous kinds, made by kings and statesmen, have failed to do the good intended and have worked unexpected evils. Century after century new measures like the old ones, and other measures akin in principle, have again disappointed hopes and again brought disaster. And yet it is thought neither by electors nor by those they elect, that there is any need for systematic study of that law-making which in bygone ages went on working the ill-being of the people when it tried to achieve their well-being. Surely there can be no fitness for legislative functions without wide knowledge of those legislative experiences which the past has bequeathed.

Reverting, then, to the analogy drawn at the outset, we must say that the legislator is morally blameless or morally blameworthy, according as he has or has not acquainted himself with these several classes of facts. A physician who, after years of study, has gained a competent knowledge of physiology, pathology, and therapeutics, is not held criminally responsible if a man dies under his treatment: he has prepared himself as well as he can, and has acted to the best of his judgment. Similarly the legislator whose measures produce evil instead of good, notwithstanding the extensive

and methodic inquiries which helped him to decide, cannot be held to have committed more than an error of reasoning. Contrariwise, the legislator who is wholly or in great part uninformed concerning the masses of facts which he must examine before his opinion on a proposed law can be of any value, and who nevertheless helps to pass that law, can no more be absolved if misery and mortality result, than the journeyman druggist can be absolved when death is caused by the medicine he ignorantly prescribes.

THE GREAT POLITICAL SUPERSTITION.

THE great political superstition of the past was the divine right of kings. The great political superstition of the present is the divine right of parliaments. The oil of anointing seems unawares to have dripped from the head of the one on to the heads of the many, and given sacredness to them also and to their decrees.

However irrational we may think the earlier of these beliefs, we must admit that it was more consistent than is the latter. Whether we go back to times when the king was a god, or to times when he was a descendant of a god, or to times when he was god-appointed, we see good reason for passive obedience to his will. When, as under Louis XIV., theologians like Bossuet taught that kings "are gods, and share in a manner the Divine independence," or when it was thought, as by our own Tory party in old days, that "the monarch was the delegate of heaven;" it is clear that, given the premise, the inevitable conclusion was that no bounds could be set to governmental commands. But for the modern belief such a warrant does not exist. Making no pretention to divine descent or divine appointment, a legislative body can show no supernatural justification for its claim to unlimited authority; and no natural justification has ever been attempted. Hence, belief in its unlimited authority is without that consistency which of old characterized belief in a king's unlimited authority.

It is curious how commonly men continue to hold in fact,

doctrines which they have rejected in name—retaining the substance after they have abandoned the form. In Theology an illustration is supplied by Carlyle, who, in his student days, giving up, as he thought, the creed of his fathers, rejected its shell only, keeping the contents; and was proved by his conceptions of the world, and man, and conduct, to be still among the sternest of Scotch Calvinists. Similarly, Science furnishes an instance in one who united naturalism in Geology with supernaturalism in Biology—Sir Charles Lyell. While, as the leading expositor of the uniformitarian theory in Geology, he ignored only the Mosaic cosmogony, he long defended that belief in special creations of organic types, for which no other source than the Mosaic cosmogony could be assigned; and only in the latter part of his life surrendered to the arguments of Mr. Darwin. In Politics, as above implied, we have an analogous case. The tacitly-asserted doctrine, common to Tories, Whigs, and Radicals, that governmental authority is unlimited, dates back to times when the law-giver was supposed to have a warrant from God; and it survives still, though the belief that the law-giver has God's warrant has died out. "Oh, an Act of Parliament can do anything," is the reply made to a citizen who questions the legitimacy of some arbitrary State-interference; and the citizen stands paralyzed. It does not occur to him to ask the how, and the when, and the whence, of this asserted omnipotence bounded only by physical impossibilities.

Here we will take leave to question it. In default of the justification, once logically valid, that the ruler on Earth being a deputy of the ruler in Heaven, submission to him in all things is a duty, let us ask what reason there is for asserting the duty of submission in all things to a ruling power, constitutional or republican, which has no Heavenly-derived supremacy. Evidently this inquiry commits us to a criticism of past and present theories concerning political authority. To revive questions supposed to be long since settled, may be thought to need some apology; but there is a sufficient apology

in the implication above made clear, that the theory commonly accepted is ill-based or unbased.

The notion of sovereignty is that which first presents itself; and a critical examination of this notion, as entertained by those who do not assume the supernatural origin of sovereignty, carries us back to the arguments of Hobbes.

Let us grant Hobbes's postulate that, "during the time men live without a common power to keep them all in awe, they are in that condition which is called war . . . . of every man against every man;"* though this is not true, since there are some small uncivilized societies in which, without any "common power to keep them all in awe," men maintain peace and harmony better than it is maintained in societies where such a power exists. Let us suppose him to be right, too, in assuming that the rise of a ruling man over associated men, results from their desires to preserve order among themselves; though, in fact, it habitually arises from the need for subordination to a leader in war, defensive or offensive, and has originally no necessary, and often no actual, relation to the preservation of order among the combined individuals. Once more, let us admit the indefensible assumption that to escape the evils of chronic conflicts, which must otherwise continue among them, the members of a community enter into a "pact or covenant," by which they all bind themselves to surrender their primitive freedom of action, and subordinate themselves to the will of an autocrat agreed upon:† accepting, also, the implication that their descendants for ever are bound by the covenant which remote ancestors made for them. Let us, I say, not object to these data, but pass to the conclusions Hobbes draws. He says:—

---

* T. Hobbes, *Collected Works*, vol. iii. pp. 112–13.

† *Ibid.*, p. 159.

"For where no covenant hath preceded, there hath no right been transferred, and every man has a right to everything; and consequently, no action can be unjust. But when a covenant is made, then to break it is *unjust:* and the definition of INJUSTICE, is no other than *the not performance of covenant.* . . . . Therefore before the names of just and unjust can have place, there must be some coercive power, to compel men equally to the performance of their covenants, by the terror of some punishment, greater than the benefit they expect by the breach of their covenant."*

Were people's characters in Hobbes's day really so bad as to warrant his assumption that none would perform their covenants in the absence of a coercive power and threatened penalties? In our day "the names of just and unjust can have place" quite apart from recognition of any coercive power. Among my friends I could name several whom I would implicitly trust to perform their covenants without any "terror of such punishment;" and over whom the requirements of justice would be as imperative in the absence of a coercive power as in its presence. Merely noting, however, that this unwarranted assumption vitiates Hobbes's argument for State-authority, and accepting both his premises and conclusion, we have to observe two significant implications. One is that State-authority as thus derived, is a means to an end, and has no validity save as subserving that end: if the end is not subserved, the authority, by the hypothesis, does not exist. The other is that the end for which the authority exists, as thus specified, is the enforcement of justice—the maintenance of equitable relations. The reasoning yields no warrant for other coercion over citizens than that which is required for preventing direct aggressions, and those indirect aggressions constituted by breaches of contract; to which, if we add protection against external enemies, the entire function implied by Hobbes's derivation of sovereign authority is comprehended.

* Hobbes, *Collected Works*, vol. iii. pp. 130–1.

Hobbes argued in the interests of absolute monarchy. His modern admirer, Austin, had for his aim to derive the authority of law from the unlimited sovereignty of one man or a number of men, small or large compared with the whole community. Austin was originally in the army; and it has been truly remarked that "the permanent traces left" may be seen in his *Province of Jurisprudence*. When, undeterred by the exasperating pedantries—the endless distinctions and definitions and repetitions—which served but to hide his essential doctrines, we ascertain what these are, it becomes manifest that he assimilates civil authority to military authority; taking for granted that the one, as the other is above question in respect of both origin and range. To get justification for positive law, he takes us back to the absolute sovereignty of the power imposing it—a monarch, an aristocracy, or that larger body of men who have votes in a democracy; for such a body also, he styles the sovereign, in contrast with the remaining portion of the community which from incapacity or other cause, remains subject. And having affirmed, or, rather, taken for granted, the unlimited authority of the body, simple or compound, small or large, which he styles sovereign, he, of course, has no difficulty in deducing the legal validity of its edicts, which he calls positive law. But the problem is simply moved a step further back and there left unsolved. The true question is—Whence the sovereignty? What is the assignable warrant for this unqualified supremacy assumed by one, or by a small number or by a large number, over the rest? A critic might fitly say—"We will dispense with your process of deriving positive law from unlimited sovereignty: the sequence is obvious enough. But first prove your unlimited sovereignty."

To this demand there is no response. Analyze his assumption, and the doctrine of Austin proves to have no better basis than that of Hobbes. In the absence of admitted divine descent or appointment, neither single-headed ruler nor

any-headed ruler can produce such credentials as the claim
unlimited sovereignty implies.

"But surely," will come in deafening chorus the reply, there is the unquestionable right of the majority, which ives unquestionable right to the parliament it elects."

Yes, now we are coming down to the root of the matter. he divine right of parliaments means the divine right of ajorities. The fundamental assumption made by legislators id people alike, is that a majority has powers which have o bounds. This is the current theory which all accept ithout proof as a self-evident truth. Nevertheless, criticism ill, I think, show that this current theory requires a radical odification.

In an essay on "Railway Morals and Railway Policy," ublished in the *Edinburgh Review* for October, 1854, I had ccasion to deal with the question of a majority's powers as xemplified in the conduct of public companies; and I cannot etter prepare the way for conclusions presently to be drawn, an by quoting a passage from it:—

"Under whatever circumstances, or for whatever ends, a number of en co-operate, it is held that if difference of opinion arises among em, justice requires that the will of the greater number shall be executed rather than that of the smaller number; and this rule is supposed to be uniformly applicable, be the question at issue what it may. o confirmed is this conviction, and so little have the ethics of the atter been considered, that to most this mere suggestion of a doubt ill cause some astonishment. Yet it needs but a brief analysis to ow that the opinion is little better than a political superstition. stances may readily be selected which prove, by *reductio ad absurdum*, at the right of a majority is a purely conditional right, valid only ithin specific limits. Let us take a few. Suppose that at the general eeting of some philanthropic association, it was resolved that in addion to relieving distress the association should employ home-missionries to preach down popery. Might the subscriptions of Catholics, ho had joined the body with charitable views, be rightfully used for his end? Suppose that of the members of a book-club, the greater umber, thinking that under existing circumstances rifle-practice was

more important than reading, should decide to change the purpose
their union, and to apply the funds in hand for the purchase of powde
ball, and targets. Would the rest be bound by this decision? Suppo
that under the excitement of news from Australia, the majority of
Freehold Land Society should determine, not simply to start in a boa
for the gold-diggings, but to use their accumulated capital to provi
outfits. Would this appropriation of property be just to the minority
and must these join the expedition? Scarcely anyone would ventu
an affirmative answer even to the first of these questions; much less
the others. And why? Because everyone must perceive that by uni
ing himself with others, no man can equitably be betrayed into ac
utterly foreign to the purpose for which he joined them. Each of the
supposed minorities would properly reply to those seeking to coer
them:—'We combined with you for a defined object; we gave mon
and time for the furtherance of that object; on all questions there
arising we tacitly agreed to conform to the will of the greate
number; but we did not agree to conform on any other question
If you induce us to join you by professing a certain end, and the
undertake some other end of which we were not apprised, you obtai
our support under false pretences; you exceed the expressed or under
stood compact to which we committed ourselves; and we are no longe
bound by your decisions.' Clearly this is the only rational interpret
tion of the matter. The general principle underlying the right gover
ment of every incorporated body, is, that its members contract wit
one another severally to submit to the will of the majority in a
matters concerning the fulfilment of the objects for which they are in
corporated; but in no others. To this extent only can the contra
hold. For as it is implied in the very nature of a contract, that the
entering into it must know what they contract to do; and as those wh
unite with others for a specified object, cannot contemplate all the u
specified objects which it is hypothetically possible for the union
undertake; it follows that the contract entered into cannot extend
such unspecified objects. And if there exists no expressed or und
stood contract between the union and its members respecting unspecifi
objects, then for the majority to coerce the minority into undertaki
them, is nothing less than gross tyranny."

Naturally, if such a confusion of ideas exists in respe
of the powers of a majority where the deed of incorporati
tacitly limits those powers, still more must there exist su
a confusion where there has been no deed of incorporati
Nevertheless the same principle holds. I again emphas

the proposition that the members of an incorporated body are bound "severally to submit to the will of the majority *in all matters concerning the fulfilment of the objects for which they are incorporated; but in no others.*" And I contend that this holds of an incorporated nation as much as of an incorporated company.

"Yes, but," comes the obvious rejoinder, "as there is no deed by which the members of a nation are incorporated—as there neither is, nor ever was, a specification of purposes for which the union was formed, there exist no limits; and, consequently, the power of the majority is unlimited."

Evidently it must be admitted that the hypothesis of a social contract, either under the shape assumed by Hobbes or under the shape assumed by Rousseau, is baseless. Nay more, it must be admitted that even had such a contract once been formed, it could not be binding on the posterity of those who formed it. Moreover, if any say that in the absence of those limitations to its powers which a deed of incorporation might imply, there is nothing to prevent a majority from imposing its will on a minority by force, assent must be given—an assent, however, joined with the comment that if the superior force of the majority is its justification, then the superior force of a despot backed by an adequate army, is also justified; the problem lapses. What we here seek is some higher warrant for the subordination of minority to majority than that arising from inability to resist physical coercion. Even Austin, anxious as he is to establish the unquestionable authority of positive law, and assuming, as he does, an absolute sovereignty of some kind, monarchic, aristocratic, constitutional, or popular, as the source of its unquestionable authority, is obliged, in the last resort, to admit a moral limit to its action over the community. While insisting, in pursuance of his rigid theory of sovereignty, that a sovereign body originating from the people "is *legally* free to abridge their political liberty, at its own pleasure or discretion," he allows that "a government may be hindered by

positive morality from abridging the political liberty which it leaves or grants to its subjects."* Hence, we have to find not a physical justification, but a moral justification, for the supposed absolute power of the majority.

This will at once draw forth the rejoinder—"Of course, in the absence of any agreement, with its implied limitations, the rule of the majority is unlimited; because it is more just that the majority should have its way than that the minority should have its way." A very reasonable rejoinder this seems until there comes the re-rejoinder. We may oppose to it the equally tenable proposition that, in the absence of an agreement, the supremacy of a majority over a minority does not exist at all. It is co-operation of some kind, from which there arises these powers and obligations of majority and minority; and in the absence of any agreement to co-operate, such powers and obligations are also absent.

Here the argument apparently ends in a dead lock. Under the existing condition of things, no moral origin seems assignable, either for the sovereignty of the majority or for the limitation of its sovereignty. But further consideration reveals a solution of the difficulty. For if, dismissing all thought of any hypothetical agreement to co-operate heretofore made, we ask what would be the agreement into which citizens would now enter with practical unanimity, we get a sufficiently clear answer; and with it a sufficiently clear justification for the rule of the majority inside a certain sphere but not outside that sphere. Let us first observe a few of the limitations which at once become apparent.

Were all Englishmen now asked if they would agree to co-operate for the teaching of religion, and would give the majority power to fix the creed and the forms of worship, there would come a very emphatic "No" from a large part of them. If, in pursurance of a proposal to revive sumptuary laws, the inquiry were made whether they would bind them-

* *The Province of Jurisprudence Determined.* Second Edition, p. 241.

selves to abide by the will of the majority in respect of the fashions and qualities of their clothes, nearly all of them would refuse. In like manner if (to take an actual question of the day) people were polled to ascertain whether, in respect of the beverages they drank, they would accept the decision of the greater number, certainly half, and probably more than half, would be unwilling. Similarly with respect to many other actions which most men now-a-days regard as of purely private concern. Whatever desire there might be to co-operate for carrying on, or regulating, such actions, would be far from a unanimous desire. Manifestly, then, had social co-operation to be commenced by ourselves, and had its purposes to be specified before consent to co-operate could be obtained, there would be large parts of human conduct in respect of which co-operation would be declined; and in respect of which, consequently, no authority by the majority over the minority could be rightly exercised.

Turn now to the converse question—For what ends would all men agree to co-operate? None will deny that for resisting invasion the agreement would be practically unanimous. Excepting only the Quakers, who, having done highly useful work in their time, are now dying out, all would unite for defensive war (not, however, for offensive war); and they would, by so doing, tacitly bind themselves to conform to the will of the majority in respect of measures directed to that end. There would be practical unanimity, also, in the agreement to co-operate for defence against internal enemies as against external enemies. Omitting criminals, all must wish to have person and property adequately protected. Each citizen desires to preserve his life, to preserve things which conduce to maintenance and enjoyment of his life, and to preserve intact his liberties both of using these things and getting further such. It is obvious to him that he cannot do all this if he acts alone. Against foreign invaders he is powerless unless he combines with his fellows; and the business of protecting himself against domestic invaders, if

he did not similarly combine, would be alike onerous, dangerous, and inefficient. In one other co-operation all are interested—use of the territory they inhabit. Did the primitive communal ownership survive, there would survive the primitive communal control of the uses to be made of land by individuals or by groups of them; and decisions of the majority would rightly prevail respecting the terms on which portions of it might be employed for raising food, for making means of communication, and for other purposes. Even at present, though the matter has been complicated by the growth of private landownership, yet, since the State is still supreme owner (every landlord being in law a tenant of the Crown) able to resume possession, or authorize compulsory purchase, at a fair price; the implication is that the will of the majority is valid respecting the modes in which, and conditions under which, parts of the surface or sub-surface, may be utilized: involving certain agreements made on behalf of the public with private persons and companies.

Details are not needful here; nor is it needful to discuss that border region lying between these two classes of cases, and to say how much is included in the last and how much is excluded with the first. For present purposes, it is sufficient to recognize the undeniable truth that there are numerous kinds of actions in respect of which men would not, if they were asked, agree with anything like unanimity to be bound by the will of the majority; while there are some kinds of actions in respect of which they would almost unanimously agree to be thus bound. Here, then, we find a definite warrant for enforcing the will of the majority within certain limits, and a definite warrant for denying the authority of its will beyond those limits.

But evidently, when analyzed, the question resolves itself into the further question—What are the relative claims of the aggregate and of its units? Are the rights of the community universally valid against the individual? or has the individual some rights which are valid against the com-

munity? The judgment given on this point underlies the entire fabric of political convictions formed, and more especially those convictions which concern the proper sphere of government. Here, then, I propose to revive a dormant controversy, with the expectation of reaching a different conclusion from that which is fashionable.

Says Professor Jevons, in his work, *The State in Relation to Labour*,—"The first step must be to rid our minds of the idea that there are any such things in social matters as abstract rights." Of like character is the belief expressed by Mr. Matthew Arnold in his article on Copyright:—"An author has no natural right to a property in his production. But then neither has he a natural right to anything whatever which he may produce or acquire." * So, too, I recently read in a weekly journal of high repute, that "to explain once more that there is no such thing as 'natural right' would be a waste of philosophy." And the view expressed in these extracts is commonly uttered by statesmen and lawyers in a way implying that only the unthinking masses hold any other.

One might have expected that utterances to this effect would have been rendered less dogmatic by the knowledge that a whole school of legists on the Continent, maintains a belief diametrically opposed to that maintained by the English school. The idea of *Natur-recht* is the root-idea of German jurisprudence. Now whatever may be the opinion held respecting German philosophy at large, it cannot be characterised as shallow. A doctrine current among a people distinguished above all others as laborious inquirers, and certainly not to be classed with superficial thinkers, should not be dismissed as though it were nothing more than a popular delusion. This, however, by the way. Along with the proposition denied in the above quotations, there goes a

* *Fortnightly Review*, 1880, vol. xxvii. p. 322.

counter-proposition affirmed. Let us see what it is; and what results when we go behind it and seek its warrant.

On reverting to Bentham, we find this counter-proposition openly expressed. He tells us that government fulfils its office "by creating rights which it confers upon individuals: rights of personal security; rights of protection for honour; rights of property; &c.* Were this doctrine asserted as following from the divine right of kings, there would be nothing in it manifestly incongruous. Did it come to us from ancient Peru, where the Ynca "was the source from which everything flowed;" † or from Shoa (Abyssinia), where "of their persons and worldly substance he [the King] is absolute master;" ‡ or from Dahome, where "all men are slaves to the king;" * it would be consistent enough. But Bentham, far from being an absolutist like Hobbes, wrote in the interests of popular rule. In his *Constitutional Code* he fixes the sovereignty in the whole people; arguing that it is best "to give the sovereign power to the largest possible portion of those whose greatest happiness is the proper and chosen object," because "this proportion is more apt than any other that can be proposed" for achievement of that object.

Mark, now, what happens when we put these two doctrines together. The sovereign people jointly appoint representatives, and so create a government; the government thus created, creates rights; and then, having created rights, it confers them on the separate members of the sovereign people by which it was itself created. Here is a marvellous piece of political legerdemain! Mr. Matthew Arnold, contending, in the article above quoted, that "property is the creation of law," tells us to beware of the "metaphysical

* Bentham's Works (Bowring's edition), vol. i. p. 301.

† W. H. Prescott, *Conquest of Peru*, bk. i. ch. i.

‡ J. Harris, *Highlands of Æthiopia*, ii. 94.

* R. F. Burton, *Mission to Gelele, King of Dahome*, i. p. 226.

‖ Bentham's Works, vol. ix. p. 97.

hantom of property in itself." Surely, among metaphysical hantoms the most shadowy is this which supposes a thing o be obtained by creating an agent, which creates the thing, nd then confers the thing on its own creator!

From whatever point of view we consider it, Bentham's roposition proves to be unthinkable. Government, he says, ulfils its office "by creating rights." Two meanings may be iven to the word "creating." It may be supposed to mean he production of something out of nothing; or it may be supposed to mean the giving form and structure to something which already exists. There are many who think that the production of something out of nothing cannot be conceived as effected even by omnipotence; and probably none will assert that the production of something out of nothing is within the competence of a human government. The alternative conception is that a human government creates only in the sense that it shapes something pre-existing. In that case, the question arises—"What is the something pre-existing which it shapes?" Clearly the word "creating" begs the whole question—passes off an illusion on the unwary reader. Bentham was a stickler for definiteness of expression, and in his *Book of Fallacies* has a chapter on "Impostor-terms." It is curious that he should have furnished so striking an illustration of the perverted belief which an impostor-term may generate.

But now let us overlook these various impossibilities of thought, and seek the most defensible interpretation of Bentham's view.

It may be said that the totality of all powers and rights, originally exists as an undivided whole in the sovereign people; and that this undivided whole is given in trust (as Austin would say) to a ruling power, appointed by the sovereign people, for the purpose of distribution. If, as we have seen, the proposition that rights are created is simply a figure of speech; then the only intelligible construction of Bentham's view is that a multitude of individuals, who severally wish to

satisfy their desires, and have, as an aggregate, possession of all the sources of satisfaction, as well as power over all individual actions, appoint a government, which declares the ways in which, and the conditions under which, individual actions may be carried on and the satisfactions obtained. Let us observe the implications. Each man exists in two capacities. In his private capacity he is subject to the government. In his public capacity he is one of the sovereign people who appoint the government. That is to say, in his private capacity he is one of those to whom rights are given; and in his public capacity he is one of those who, through the government they appoint, give the rights. Turn this abstract statement into a concrete statement, and see what it means. Let the community consist of a million men, who, by the hypothesis, are not only joint possessors of the inhabited region, but joint possessors of all liberties of action and appropriation: the only right recognized being that of the aggregate to everything. What follows? Each person, while not owning any product of his own labour, has, as a unit in the sovereign body, a millionth part of the ownership of the products of all others' labour. This is an unavoidable implication. As the government, in Bentham's view, is but an agent; the rights it confers are rights given to it in trust by the sovereign people. If so, such rights must be possessed *en bloc* by the sovereign people before the government, in fulfilment of its trust, confers them on individuals; and, if so, each individual has a millionth portion of these rights in his public capacity, while he has no rights in his private capacity. These he gets only when all the rest of the million join to endow him with them; while he joins to endow with them every other member of the million!

Thus, in whatever way we interpret it, Bentham's proposition leaves us in a plexus of absurdities.

Even though ignoring the opposite opinion of German and French writers on jurisprudence, and even without an

analysis which proves their own opinion to be untenable, Bentham's disciples might have been lead to treat less cavalierly the doctrine of natural rights. For sundry groups of social phenomena unite to prove that this doctrine is well warranted, and the doctrine they set against it unwarranted.

Tribes all over the world show us that before definite government arises, conduct is regulated by customs. The Bechuanas are controlled by "long-acknowledged customs." * Among the Koranna Hottentots, who only "tolerate their chiefs rather than obey them," † "when ancient usages are not in the way, every man seems to act as is right in his own eyes." ‡ The Araucanians are guided by "nothing more than primordial usuages or tacit conventions." * Among the Kirghizes the judgments of the elders are based on "universally-recognized customs." ‖ Similarly of the Dyaks, Rajah Brooke says that "custom seems simply to have become the law; and breaking custom leads to a fine." ^ So sacred are immemorial customs with the primitive man, that he never dreams of questioning their authority; and when government arises, its power is limited by them. In Madagascar the king's word suffices only "where there is no law, custom, or precedent." ◊ Raffles tells us that in Java "the customs of the country" ‡ restrain the will of the ruler. In Sumatra, too, the people do not allow their chiefs to "alter their ancient usages." ‡ Nay, occasionally, as in Ashantee,

---

* W. J. Burchell, *Travels into the Interior of Southern Africa*, vol. i. p. 544.

† Arbousset and Daumas, *Voyage of Exploration*, p. 27.

‡ G. Thompson, *Travels and Adventures in Southern Africa*, vol. ii. p. 30.

* G. A. Thompson, *Alcedo's Geographical and Historical Dictionary of America*, vol. i. p. 405.

‖ Alex. Michie, *Siberian Overland Route*, p. 248.

^ C. Brooke, *Ten Years in Saráwak*, vol. i. p. 129.

◊ W. Ellis, *History of Madagascar*, vol. i. p. 377.

‡ Sir T. S. Raffles, *History of Java*, i. 274.

‡ W. Marsden, *History of Sumatra*, p. 217.

"the attempt to change some customs" has caused a king's dethronement.* Now, among the customs which we thus find to be pre-governmental, and which subordinate governmental power when it is established, are those which recognize certain individual rights—rights to act in certain ways and possess certain things. Even where the recognition of of property is least developed, there is proprietorship of weapons, tools, and personal ornaments; and, generally, the recognition goes far beyond this. Among such North-American Indians as the Snakes, who are without Government, there is private ownership of horses. By the Chippewayans, "who have no regular government," game taken in private traps "is considered as private property."† Kindred facts concerning huts, utensils, and other personal belongings, might be brought in evidence from accounts of the Ahts, the Comanches, the Esquimaux, and the Brazilian Indians. Among various uncivilized peoples, custom has established the claim to the crop grown on a cleared plot of ground, though not to the ground itself; and the Todas, who are wholly without political organization, make a like distinction between ownership of cattle and of land. Kolff's statement respecting "the peaceful Arafuras" well sums up the evidence. They "recognize the right of property in the fullest sense of the word, without their being any [other] authority among them than the decisions of their elders, according to the customs of their forefathers."‡ But even without seeking proofs among the uncivilized, sufficient proofs are furnished by early stages of the civilized. Bentham and his followers seem to have forgotten that our own common law is mainly an embodiment of "the customs of the realm." It did but give definite shape to that which it found existing. Thus, the fact and the fiction are exactly

* J. Beecham, *Ashantee and the Gold Coast*, p. 90.

† H. R. Schoolcraft, *Expedition to the Sources of the Mississippi River*, v. 177.

‡ G. W. Earl's *Kolff's Voyage of the Dourga*, p. 161.

opposite to what they allege. The fact is that property was well recognized before law existed; the fiction is that "property is the creation of law." These writers and statesmen who with so much scorn undertake to instruct the ignorant herd, themselves stand in need of instruction.

Considerations of another class might alone have led them to pause. Were it true, as alleged by Bentham, that Government fulfils its office "by creating rights which it confers on individuals;" then, the implication would be, that there should be nothing approaching to uniformity in the rights conferred by different governments. In the absence of a determining cause over-ruling their decisions, the probabilities would be many to one against considerable correspondence among their decisions. But there is very great correspondence. Look where we may, we find that governments interdict the same kinds of aggressions; and, by implication, recognize the same kinds of claims. They habitually forbid homicide, theft, adultery: thus asserting that citizens may not be trespassed against in certain ways. And as society advances, minor individual claims are protected by giving remedies for breach of contract, libel, false witness, &c. In a word, comparisons show that though codes of law differ in their details as they become elaborated, they agree in their fundamentals. What does this prove? It cannot be by chance that they thus agree. They agree because the alleged creating of rights was nothing else than giving formal sanction and better definition to those assertions of claims and recognitions of claims which naturally originate from the individual desires of men who have to live in presence of one another.

Comparative Sociology discloses another group of facts having the same implication. Along with social progress it becomes in an increasing degree the business of the State, not only to give formal sanction to men's rights, but also to defend them against aggressors. Before permanent government exists, and in many cases after it is considerably developed, the rights of each individual are asserted and main-

tained by himself, or by his family. Alike among savage tribes at present, among civilized peoples in the past, and even now in unsettled parts of Europe, the punishment for murder is a matter of private concern; "the sacred duty of blood revenge" devolves on some one of a cluster of relatives. Similarly, compensations for aggressions on property and for injuries of other kinds, are in early states of society independently sought by each man or family. But as social organization advances, the central ruling power undertakes more and more to secure to individuals their personal safety, the safety of their possessions, and, to some extent, the enforcement of their claims established by contract. Originally concerned almost exclusive with defence of the society as a whole against other societies, or with conducting its attacks on other societies, Government has come more and more to discharge the function of defending individuals against one another. It needs but to recall the days when men habitually carried weapons, or to bear in mind the greater safety to person and property achieved by improved police-administration during our own time, or to note the facilities now given for recovering small debts, to see that the insuring to each individual the unhindered pursuit of the objects of life, within limits set by others' like pursuits, is increasingly recognized as a duty of the State. In other words, along with social progress, there goes not only a fuller recognition of these which we call natural rights, but also a better enforcement of them by Government: Government becomes more and more the servant to these essential pre-requisites for individual welfare.

An allied and still more significant change has accompanied this. In early stages, at the same time that the State failed to protect the individual against aggression, it was itself an aggressor in multitudinous ways. Those ancient societies which advanced far enough to leave records, having all been conquering societies, show us everywhere the traits of the militant *régime*. As, for the effectual organization of

ghting bodies, the soldiers, absolutely obedient, must act ıdependently only when commanded to do it; so, for the fectual organization of fighting societies, citizens must have ıeir individualities subordinated. Private claims are overdden by public claims; and the subject loses much of his eedom of action. One result is that the system of regiıentation, pervading the society as well as the army, causes etailed regulation of conduct. The dictates of the ruler, ınctified by ascription of them to his divine ancestor, are nrestrained by any conception of individual liberty; and ıey specify men's actions to an unlimited extent—down to inds of food eaten, modes of preparing them, shaping of eards, fringing of dresses, sowing of grain, &c. This omniresent control, which the ancient Eastern nations in general xhibited, was exhibited also in large measure by the Greeks; nd was carried to its greatest pitch in the most militant ity, Sparta. Similarly during mediæval days throughout Europe, characterized by chronic warfare with its appropriıte political forms and ideas, there were scarcely any bounds o Governmental interference; agriculture, manufactures, rades, were regulated in detail; religious beliefs and observıances were imposed; and rulers said by whom alone furs might be worn, silver used, books issued, pigeons kept, &c., &c. But along with increase of industrial activities, and implied substitution of the *régime* of contract for the *régime* of status, and growth of associated sentiments, there went (until the recent reaction accompanying reversion to militant activity) a decrease of meddling with people's doings. Legislation gradually ceased to regulate the cropping of fields, or dictate the ratio of cattle to acreage, or specify modes of manufacture and materials to be used, or fix wages and prices, or interfere with dresses and games (except where there was gambling), or put bounties and penalties on imports or exports, or prescribe men's beliefs, religious or political, or prevent them from combining as they pleased, or travelling where they liked. That is to say, throughout a

large range of conduct, the right of the citizen to uncontrolled action has been made good against the pretensions of the State to control him. While the ruling agency has increasingly helped him to exclude intruders from that private sphere in which he pursues the objects of life, it has itself retreated from that sphere; or, in other words—decreased its intrusions.

Not even yet have we noted all the classes of facts which tell the same story. It is told afresh in the improvements and reforms of law itself; as well as in the admissions and assertions of those who have effected them. "So early as the fifteenth century," says Professor Pollock, "we find a common-law judge declaring that, as in a case unprovided for by known rules the civilians and canonists devise a new rule according to 'the law of nature which is the ground of all laws,' the Courts of Westminster can and will do the like." * Again, our system of Equity, introduced and developed as it was to make up for the shortcomings of Common-law, or rectify its inequities, proceeded throughout on a recognition of men's claims considered as existing apart from legal warrant. And the changes of law now from time to time made after resistance, are similarly made in pursuance of current ideas concerning the requirements of justice; ideas which, instead of being derived from the law, are opposed to the law. For example, that recent Act which gives to a married woman a right of property in her own earnings, evidently originated in the consciousness that the natural connexion between labour expended and benefit enjoyed, is one which should be maintained in all cases. The reformed law did not create the right, but recognition of the right created the reformed law.

Thus, historical evidences of five different kinds unite in teaching that, confused as are the popular notions concerning

* "The Methods of Jurisprudence: an Introductory Lecture at University College, London," October 31, 1882.

rights, and including, as they do, a great deal which should be excluded, yet they shadow forth a truth.

It remains now to consider the original source of this truth. In a previous paper I have spoken of the open secret, that there can be no social phenomena but what, if we analyze them to the bottom, bring us down to the laws of life; and that there can be no true understanding of them without reference to the laws of life. Let us, then, transfer this question of natural rights from the court of politics to the court of science—the science of life. The reader need feel no alarm: the simplest and most obvious facts will suffice. We will contemplate first the general conditions to individual life; and then the general conditions to social life. We shall find that both yield the same verdict.

Animal life involves waste; waste must be met by repair; repair implies nutrition. Again, nutrition presupposes obtainment of food; food cannot be got without powers of prehension, and, usually, of locomotion; and that these powers may achieve their ends, there must be freedom to move about. If you shut up a mammal in a small space, or tie its limbs together, or take from it the food it has procured, you eventually, by persistence in one or other of these courses, cause its death. Passing a certain point, hindrance to the fulfilment of these requirements is fatal. And all this, which holds of the higher animals at large, of course holds of man.

If we adopt pessimism as a creed, and with it accept the implication that life in general being an evil should be put an end to, then there is no ethical warrant for these actions by which life is maintained: the whole question drops. But if we adopt either the optimist view or the meliorist view—if we say that life on the whole yields more pleasure than pain; or that it is on the way to become such that it will yield more pleasure than pain; then these actions by which life is maintained are justified, and there results a warrant for the freedom to perform them. Those who hold that life is valuable,

hold, by implication, that men ought not to be prevented from carrying on life-sustaining activities. In other words, if it is said to be "right" that they should carry them on, then, by permutation, we get the assertion that they "have a right" to carry them on. Clearly the conception of "natural rights" originates in recognition of the truth that if life is justifiable there must be a justification for the performance of acts essential to its preservation; and, therefore, a justification for those liberties and claims which make such acts possible.

But being true of other creatures as of man, this is a proposition lacking ethical character. Ethical character arises only with the distinction between what the individual *may* do in carrying on his life-sustaining activities, and what he *may not* do. This distinction obviously results from the presence of his fellows. Among those who are in close proximity, or even some distance apart, the doings of each are apt to interfere with the doings of others; and in the absence of proof that some may do what they will without limit, while others may not, mutual limitation is necessitated. The non-ethical form of the right to pursue ends, passes into the ethical form when there is recognized the difference between acts which can be performed without transgressing the limits, and others which cannot be so performed.

This, which is the *a priori* conclusion, is the conclusion yielded *a posteriori*, when we study the doings of the uncivilized. In its vaguest form, mutual limitation of sphere of action, and the ideas and the sentiments associated with it, are seen in the relations of groups to one another. Habitually there come to be established, certain bounds to the territory within which each tribe obtains its livelihood; and these bounds, when not respected, are defended. Among the Wood-Veddahs, who have no political organization, the small clans have their respective portions of forest; and "these conventional allotments are always honourably recognized."*

* Sir J. E. Tennant, *Ceylon: an Account of the Island, &c.*, ii. 441.

Of the ungoverned tribes of Tasmania, we are told that "their hunting grounds were all determined, and trespassers were liable to attack." * And, manifestly, the quarrels caused among tribes by intrusions on one another's territories, tend, in the long run, to fix bounds and to give a certain sanction to them. As with each inhabited area, so with each inhabiting group. A death in one, rightly or wrongly ascribed to somebody in another, prompts "the sacred duty of blood-revenge;" and though retaliations are thus made chronic, some restraint is put on new aggressions. Like causes worked like effects in those early stages of civilized societies, during which families or clans, rather than individuals, were the political units; and during which each family or clan had to maintain itself and its possessions against others such. These mutual restraints, which in the nature of things arise between small communities, similarly arise between individuals in each community; and the ideas and usages appropriate to the one are more or less appropriate to the other. Though within each group there is ever a tendency for the stronger to aggress on the weaker; yet, in most cases, consciousness of the evils resulting from aggressive conduct serves to restrain. Everywhere among primitive peoples, trespasses are followed by counter-trespasses. Says Turner of the Tannese, "adultery and some other crimes are kept in check by the fear of club-law." † Fitzroy tells us that the Patagonian, "if he does not injure or offend his neighbour, is not interfered with by others:" ‡ personal vengeance being the penalty for injury. We read of the Uapés that "they have very little law of any kind; but what they have is of strict retaliation—an eye for an eye and a tooth for a tooth." * And that the *lex talionis* tends to establish a distinction between what each member of

---

* J. Bonwick, *Daily Life and Origin of the Tasmanians*, p. 83.

† *Nineteen Years in Polynesia*, p. 86.

‡ *Voyages of the Adventure and Beagle*, ii. 167.

* A. R. Wallace, *Travels on Amazon and Rio Negro*, p. 499.

the community may safely do and what he may not safely do, and consequently to give sanctions to actions within a certain range but not beyond that range, is obvious. Though, says Schoolcraft of the Chippewayans, they "have no regular government, as every man is lord in his own family, they are influenced more or less by certain principles, which conduce to their general benefit:" * one of the principles named being recognition of private property.

How mutual limitation of activities originates the ideas and sentiments implied by the phrase "natural rights," we are shown most distinctly by the few peaceful tribes which have either nominal governments or none at all. Beyond those facts which exemplify scrupulous regard for one another's claims among the Todas, Santals, Lepchas, Bodo, Chakmas, Jakuns, Arafuras, &c., we have the fact that the utterly uncivilized Wood-Veddahs, without any social organization at all, "think it perfectly inconceivable that any person should ever take that which does not belong to him, or strike his fellow, or say anything that is untrue." † Thus it becomes clear, alike from analysis of causes and observation of facts, that while the positive element in the right to carry on life-sustaining activities, originates from the laws of life, that negative element which gives ethical character to it, originates from the conditions produced by social aggregation.

So alien to the truth, indeed, is the alleged creation of rights by government, that, contrariwise, rights having been established more or less clearly before government arises, become obscured as government develops along with that militant activity which, both by the taking of slaves and the establishment of ranks, produces *status;* and the recognition of rights begins again to get definiteness only as fast as

* H. R. Schoolcraft, *Expedition to the Sources of the Mississippi*, v. 177.

† B. F. Hartshorne in *Fortnightly Review*, March, 1876. See also H. C. Sirr, *Ceylon and Ceylonese*, ii. 219.

militancy ceases to be chronic and governmental power declines.

When we turn from the life of the individual to the life of the society, the same lesson is taught us.

Though mere love of companionship prompts primitive men to live in groups, yet the chief prompter is experience of the advantages to be derived from co-operation. On what condition only can co-operation arise? Evidently on condition that those who join their efforts severally gain by doing so. If, as in the simplest cases, they unite to achieve something which each by himself cannot achieve, or can achieve less readily, it must be on the tacit understanding, either that they shall share the benefit (as when game is caught by a party of them), or that if one reaps all the benefit now (as in building a hut or clearing a plot), the others shall severally reap equivalent benefits in their turns. When, instead of efforts joined in doing the same thing, different things are effected by them—when division of labour arises, with accompanying barter of products, the arrangement implies that each, in return for something which he has in superfluous quantity, gets an approximate equivalent of something which he wants. If he hands over the one and does not get the other, future proposals to exchange will meet with no response. There will be a reversion to that rudest condition in which each makes everything for himself. Hence the possibility of co-operation depends on fulfilment of contract, tacit or overt.

Now this which we see must hold of the very first step towards that industrial organization by which the life of a society is maintained, must hold more or less fully throughout its development. Though the militant type of organization, with its system of *status* produced by chronic war, greatly obscures these relations of contracts, yet they remain partially in force. They still hold between freemen, and between the heads of those small groups which form the

units of early societies; and, in a measure, they still hold within these small groups themselves; since survival of them as groups, implies such recognition of the claims of their members, even when slaves, that in return for their labours they get sufficiencies of food, clothing, and protection. And when, with diminution of warfare and growth of trade, voluntary co-operation more and more replaces compulsory co-operation, and the carrying on of social life by exchange under agreement, partially suspended for a time, gradually re-establishes itself; its re-establishment makes possible that vast elaborate industrial organization by which a great nation is sustained.

For in proportion as contracts are unhindered and the performance of them certain, the growth is great and the social life active. It is not now by one or other of two individuals who contract, that the evil effects of breach of contract are experienced. In an advanced society, they are experienced by entire classes of producers and distributors, which have arisen through division of labor; and, eventually, they are experienced by everybody. Ask on what condition it is that Birmingham devotes itself to manufacturing hardware, or part of Staffordshire to making pottery, or Lancashire to weaving cotton. Ask how the rural people who here grow wheat and there pasture cattle, find it possible to occupy themselves in their special businesses. These groups can severally thus act only if each gets from the others in exchange for its own surplus product, due shares of their surplus products. No longer directly effected by barter, this obtainment of their respective shares of one another's products is indirectly effected by money; and if we ask how each division of producers gets its due amount of the required money, the answer is—by fulfilment of contract. If Leeds makes woollens and does not, by fulfilment of contract, receive the means of obtaining from agricultural districts the needful quantity of food, it must starve, and stop producing woollens. If South Wales smelts iron and there comes no

equivalent agreed upon, enabling it to get fabrics for clothing, its industry must cease. And so throughout, in general and in detail. That mutual dependence of parts which we see in social organization, as in individual organization, is possible only on condition that while each other part does the particular kind of work it has become adjusted to, it receives its proportion of those materials required for repair and growth, which all the other parts have joined to produce: such proportion being settled by bargaining. Moreover, it is by fulfilment of contract that there is effected a balancing of all the various products to the various needs—the large manufacture of knives and the small manufacture of lancets; the great growth of wheat and the little growth of mustard-seed. The check on undue production of each commodity, results from finding that, after a certain quantity, no one will agree to take any further quantity on terms that yield an adequate money equivalent. And so there is prevented a useless expenditure of labour in producing that which society does not want.

Lastly, we have to note the still more significant fact that the condition under which only, any specialized group of workers can grow when the community needs more of its particular kind of work, is that contracts shall be free and fulfilment of them enforced. If when, from lack of material, Lancashire failed to supply the usual quantity of cotton-goods, there had been such interference with the contracts as prevented Yorkshire from asking a greater price for its woollens, which it was enabled to do by the greater demand for them, there would have been no temptation to put more capital into the woollen manufacture, no increase in the amount of machinery and number of artisans employed, and no increase of woollens: the consequence being that the whole community would have suffered from not having deficient cottons replaced by extra woollens. What serious injury may result to a nation if its members are hindered from contracting with one another, was well shown in the

contrast between England and France in respect of railways. Here, though obstacles were at first raised by classes predominant in the legislature, the obstacles were not such as prevented capitalists from investing, engineers from furnishing directive skill, or contractors from undertaking works; and the high interest originally obtained on investments, the great profits made by contractors, and the large payments received by engineers, led to that drafting of money, energy, and ability, into railway-making, which rapidly developed our railway-system, to the enormous increase of our national prosperity. But when M. Thiers, then Minister of Public Works, came over to inspect, and having been taken about by Mr. Vignoles, said to him when leaving:—"I do not think railways are suited to France,"* there resulted, from the consequent policy of hindering free contract, a delay of "eight or ten years" in that material progress which France experienced when railways were made.

What do these facts mean? They mean that for the healthful activity and due proportioning of those industries, occupations and professions, which maintain and aid the life of a society, there must, in the first place, be few restrictions on men's liberties to make agreements with one another, and there must, in the second place, be an enforcement of the agreements which they do make. As we have seen, the checks naturally arising to each man's actions when men become associated, are those only which result from mutual limitation; and there consequently can be no resulting check to the contracts they voluntarily make: interference with these is interference with those rights to free action which remain to each when the rights of others are fully recognized. And then, as we have seen, enforcement of their rights implies enforcement of contracts made; since breach of contract is indirect aggression. If, when a customer on one side

* Address of C. B. Vignoles, Esq., F.R.S., on his election as President of the Institution of Civil Engineers, Session 1869–70, p. 53.

of the counter asks a shopkeeper on the other for a shilling's worth of his goods, and, while the shopkeeper's back is turned, walks off with the goods without leaving the shilling he tacitly contracted to give, his act differs in no essential way from robbery. In each such case the individual injured is deprived of something he possessed, without receiving the equivalent something bargained for; and is in the state of having expended his labour without getting benefit—has had an essential condition to the maintenance of life infringed.

Thus, then, it results that to recognize and enforce the rights of individuals, is at the same time to recognize and enforce the conditions to a normal social life. There is one vital requirement for both.

Before turning to those corollaries which have practical applications, let us observe how the special conclusions drawn converge to the one general conclusion originally foreshadowed—glancing at them in reversed order.

We have just found that the pre-requisite to individual life is in a double sense the pre-requisite to social life. The life of a society, in whichever of two senses conceived, depends on maintenance of individual rights. If it is nothing more than the sum of the lives of citizens, this implication is obvious. If it consists of those many unlike activities which citizens carry on in mutual dependence, still this aggregate impersonal life rises or falls according as the rights of individuals are enforced or denied.

Study of men's politico-ethical ideas and sentiments, leads to allied conclusions. Primitive peoples of various types show us that before governments exist, immemorial customs recognize private claims and justify maintenance of them. Codes of law independently evolved by different nations, agree in forbidding certain trespasses on the persons, properties, and liberties of citizens; and their correspondences imply, not an artificial source for individual rights, but a

natural source. Along with social development, the formulating in law of the rights pre-established by custom, becomes more definite and elaborate. At the same time, Government undertakes to an increasing extent the business of enforcing them. While it has been becoming a better protector, Government has been becoming less aggressive—has more and more diminished its intrusions on men's spheres of private action. And, lastly, as in past times laws were avowedly modified to fit better with current ideas of equity; so now, law-reformers are guided by ideas of equity which are not derived from law but to which law has to conform.

Here, then, we have a politico-ethical theory justified alike by analysis and by history. What have we against it? A fashionable counter-theory, purely dogmatic, which proves to be unjustifiable. On the one hand, while we find that individual life and social life both imply maintenance of the natural relation between efforts and benefits; we also find that this natural relation, recognized before Government existed, has been all along asserting and re-asserting itself, and obtaining better recognition in codes of law and systems of ethics. On the other hand, those who, denying natural rights, commit themselves to the assertion that rights are artificially created by law, are not only flatly contradicted by facts, but their assertion is self-destructive: the endeavour to substantiate it, when challenged, involves them in manifold absurdities.

Nor is this all. The re-institution of a vague popular conception in a definite form on a scientific basis, leads us to a rational view of the relation between the wills of majorities and minorities. It turns out that those co-operations in which all can voluntarily unite, and in the carrying on of which the will of the majority is rightly supreme, are co-operations for maintaining the conditions requisite to individual and social life. Defence of the society as a whole against external invaders, has for its remote end to preserve each citizen in possession of such means as he has for satisfy-

ng his desires, and in possession of such liberty as he has for getting further means. And defence of each citizen against nternal invaders, from murderers down to those who inflict nuisances on their neighbours, has obviously the like end—an end desired by every one save the criminal and disorderly. Hence it follows that for maintenance of this vital principle, alike of individual life and social life, subordination of minority to majority is legitimate; as implying only such a trenching on the freedom and property of each, as is requisite for the better protecting of his freedom and property. At the same time it follows that such subordination is not legitimate beyond this; since, implying as it does a greater aggression upon the individual than is requisite for protecting him, it involves a breach of the vital principle which is to be maintained.

Thus we come round again to the proposition that the assumed divine right of parliaments, and the implied divine right of majorities, are superstitions. While men have abandoned the old theory respecting the source of State-authority, they have retained a belief in that unlimited extent of State-authority which rightly accompanied the old theory, but does not rightly accompany the new one. Unrestricted power over subjects, rationally ascribed to the ruling man when he was held to be a deputy-god, is now ascribed to the ruling body, the deputy-godhood of which nobody asserts.

Opponents will, possibly, contend that discussions about the origin and limits of governmental authority are mere pedantries. "Government," they may perhaps say, "is bound to use all the means it has, or can get, for furthering the general happiness. Its aim must be utility; and it is warranted in employing whatever measures are needful for achieving useful ends. The welfare of the people is the supreme law; and legislators are not to be deterred from obeying that law by questions concerning the source and

range of their power." Is there really an escape here? or may this opening be effectually closed?

The essential question raised is the truth of the utilitarian theory as commonly held; and the answer here to be given is that, as commonly held, it is not true. Alike by the statements of utilitarian moralists, and by the acts of politicians knowingly or unknowingly following their lead, it is implied that utility is to be directly determined by simple inspection of the immediate facts and estimation of probable results. Whereas, utilitarianism as rightly understood, implies guidance by the general conclusions which analysis of experience yields. "Good and bad results cannot be accidental, but must be necessary consequences of the constitution of things;" and it is "the business of Moral Science to deduce, from the laws of life and the conditions of existence, what kinds of action necessarily tend to produce happiness, and what kinds to produce unhappiness." * Current utilitarian speculation, like current practical politics, shows inadequate consciousness of natural causation. The habitual thought is that, in the absence of some obvious impediment, things can be done this way or that way; and no question is put whether there is either agreement or conflict with the normal working of things.

The foregoing discussions have, I think, shown that the dictates of utility, and, consequently, the proper actions of governments, are not to be settled by inspection of facts on the surface, and acceptance of their *primâ facie* meanings; but are to be settled by reference to, and deductions from, fundamental facts. The fundamental facts to which all rational judgments of utility must go back, are the facts that life consists in, and is maintained by, certain activities; and that among men in a society, these activities, necessarily becoming mutually limited, are to be carried on by each within the limits thence arising, and not carried on beyond

* *Data of Ethics*, § 21. See also §§ 56–62.

those limits: the maintenance of the limits becoming, by consequence, the function of the agency which regulates society. If each, having freedom to use his powers up to the bounds fixed by the like freedom of others, obtains from his fellow-men as much for his services as they find them worth in comparison with the services of others—if contracts uniformly fulfilled bring to each the share thus determined, and he is left secure in person and possessions to satisfy his wants with the proceeds; then there is maintained the vital principle alike of individual life and of social life. Further, there is maintained the vital principle of social progress; inasmuch as, under such conditions, the individuals of most worth will prosper and multiply more than those of less worth. So that utility, not as empirically estimated but as rationally determined, enjoins this maintenance of individual rights; and, by implication, negatives any course which traverses them.

Here, then, we reach the ultimate interdict against meddling legislation. Reduced to its lowest terms, every proposal to interfere with citizens' activities further than by enforcing their mutual limitations, is a proposal to improve life by breaking through the fundamental conditions to life. When some are prevented from buying beer that others may be prevented from getting drunk, those who make the law assume that more good than evil will result from interference with the normal relation between conduct and consequences, alike in the few ill-regulated and the many well-regulated. A government which takes fractions of the incomes of multitudinous people, for the purpose of sending to the colonies some who have not prospered here, or for building better industrial dwellings, or for making public libraries and public museums, &c., takes for granted that, not only proximately but ultimately, increased general happiness will result from transgressing the essential requirement to general happiness —the requirement that each shall enjoy all those means to happiness which his actions, carried on without aggression,

have brought him. In other cases we do not thus let the immediate blind us to the remote. When asserting the sacredness of property against private transgressors, we do not ask whether the benefit to a hungry man who takes bread from a baker's shop, is or is not greater than the injury inflicted on the baker: we consider, not the special effects, but the general effects which arise if property is insecure. But when the State exacts further amounts from citizens, or further restrains their liberties, we consider only the direct and proximate effects, and ignore the direct and distant effects. We do not see that by accumulated small infractions of them, the vital conditions to life, individual and social, come to be so imperfectly fulfilled that the life decays.

Yet the decay thus caused becomes manifest where the policy is pushed to an extreme. Any one who studies, in the writings of MM. Taine and de Tocqueville, the state of things which preceded the French Revolution, will see that that tremendous catastrophe came about from so excessive a regulation of men's actions in all their details, and such an enormous drafting away of the products of their actions to maintain the regulating organization, that life was fast becoming impracticable. The empirical utilitarianism of that day, like the empirical utiliarianism of our day, differed from rational utilitarianism in this, that in each successive case it contemplated only the effects of particular interferences on the actions of particular classes of men, and ignored the effects produced by a multiplicity of such interferences on the lives of men at large. And if we ask what then made, and what now makes, this error possible, we find it to be the political superstition that governmental power is subject to no restraints.

When that "divinity" which "doth hedge a king," and which has left a glamour around the body inheriting his power, has quite died away—when it begins to be seen clearly that, in a popularly governed nation, the government is simply a committee of management; it will also be seen

hat this committee of management has no intrinsic authori-
y. The inevitable conclusion will be that its authority is
iven by those appointing it; and has just such bounds as
hey choose to impose. Along with this will go the further
onclusion that the laws it passes are not in themselves sa-
red; but that whatever sacredness they have, it is entirely
lue to the ethical sanction—an ethical sanction which, as we
ind, is derivable from the laws of human life as carried on
nder social conditions. And there will come the corollary
hat when they have not this ethical sanction they have no
acredness, and may rightly be challenged.

The function of Liberalism in the past was that of putting
a limit to the powers of kings. The function of true Liber-
alism in the future will be that of putting a limit to the pow-
ers of Parliaments.

POSTSCRIPT.

(Added when the foregoing Chapters were first re-published.)

"Do I expect this doctrine to meet with any considerable acceptance?" I wish I could say, yes; but unhappily various reasons oblige me to conclude that only here and there a solitary citizen may have his political creed modified. Of these reasons there is one from which all the others originate.

This essential reason is that the restriction of governmental power within the limits assigned, is appropriate to the industrial type of society only; and, while wholly incongruous with the militant type of society, is partially incongruous with that semi-militant semi-industrial type, which now characterizes advanced nations. At every stage of social evolution there must exist substantial agreement between practices and beliefs—real beliefs I mean, not nominal ones. Life can be carried on only by the harmonizing of thoughts and acts. Either the conduct required by circumstances must modify the sentiments and ideas to fit it; or else the changed sentiments and ideas must eventually modify the conduct.

Hence if the maintenance of social life under one set of conditions, necessitates extreme subordination to a ruler and entire faith in him, there will be established a theory that the subordination and the faith are proper—nay imperative. Conversely if, under other conditions, great subjection of

citizens to government is no longer needful for preservation of the national life—if, contrariwise, the national life becomes larger in amount and higher in quality as fast as citizens gain increased freedom of action; there comes a progressive modification of their political theory, having the result of diminishing their faith in governmental action, increasing their tendency to question governmental authority, and leading them in more numerous cases to resist governmental power: involving, eventually, an established doctrine of limitation.

Thus it is not to be expected that current opinion respecting governmental authority, can at present be modified to any great extent. But let us look at the necessities of the case more closely.

Manifestly the success of an army depends very much on the faith of the soldiers in their general: disbelief in his ability will go far towards paralyzing them in battle; while absolute confidence in him will make them fulfil their respective parts with courage and energy. If, as in the normally-developed militant type of society, the leader in war and the ruler in peace are one and the same, this confidence in him extends from military action to civil action; and the society, in large measure identical with the army, willingly accepts his judgments as law-giver. Even where the civil head, ceasing to be the military head, does his generalship by deputy, there still clings to him the traditional faith.

As with faith so with obedience. Other things equal an army of insubordinate soldiers fails before an army of subordinate soldiers. Those whose obedience to their leader is perfect and prompt, are obviously more likely to succeed in battle than are those who disregard the commands issued to them. And as with the army so with the society as a whole; success in war must largely depend on that conformity to the ruler's will which brings men and money when wanted, and adjusts all conduct to his needs.

Thus by survival of the fittest, the militant type of society becomes characterized by profound confidence in the governing power, joined with a loyalty causing submission to it in all matters whatever. And there must tend to be established among those who speculate about political affairs in a militant society, a theory giving form to the needful ideas and feelings; accompanied by assertions that the law-giver if not divine in nature is divinely directed, and that unlimited obedience to him is divinely ordered.

Change in the ideas and feelings which thus become characteristic of the militant form of organization, can take place only where circumstances favour development of the industrial form of organization. Being carried on by voluntary co-operation instead of by compulsory co-operation, industrial life as we know it, habituates men to independent activities, leads them to enforce their own claims while respecting the claims of others, strengthens the consciousness of personal rights, and prompts them to resist excesses of governmental control. But since the circumstances which render war less frequent arise but slowly, and since the modifications of nature caused by the transition from a life predominantly militant to a life predominantly industrial can therefore go on but slowly, it happens that the old sentiments and ideas give place to new ones, by small degrees only. And there are several reasons why the transition not only is, but ought to be, gradual. Here are some of them.

In the primitive man and in man but little civilized, there does not exist the nature required for extensive voluntary co-operations. Efforts willingly united with those of others for a common advantage, imply, if the undertaking is large, a perseverance he does not possess. Moreover, where the benefits to be achieved are distant and unfamiliar, as are many for which men now-a-days combine, there needs a strength of constructive imagination not to be found in the minds of the uncivilized. And yet again, great combinations

f a private kind for wholesale production or for large enterrises, require a graduated subordination of the united orkers—a graduated subordination such as that which ilitancy produces. In other words, the way to the developed industrial type as we now know it, is through the ilitant type; which, by discipline generates in long ages he power of continuous application, the willingness to act nder direction (now no longer coercive but agreed to under ontract) and the habit of achieving large results by organizaions.

The implication is that, during long stages of social evolution there needs, for the management of all matters but the implest, a governmental power great in degree and wide in ange, with a correlative faith in it and obedience to it. Hence the fact that, as the records of early civilizations show us, and as we are shown in the East at present, large undertakings can be achieved only by State-action. And hence the fact that only little by little can voluntary co-operation replace compulsory co-operation, and rightly bring about a correlative decrease of faith in governmental ability and authority.

Chiefly, however, the maintenance of this faith is necessitated by the maintenance of fitness for war. This involves continuance of such confidence in the ruling agency, and such subordination to it, as may enable it to wield all the forces of the society on occasions of attack or defence; and there must survive a political theory justifying the faith and the obedience. While their sentiments and ideas are of kinds which perpetually endanger peace, it is requisite that men should have such belief in the authority of government as shall give it adequate coercive power over them for war purposes—a belief in its authority which inevitably, at the same time, gives it coercive power over them for other purposes.

Thus, as said at first, the fundamental reason for not expecting much acceptance of the doctrine set forth, is that we

have at present but partially emerged from the militant *régime* and have but partially entered on that industrial *régime* to which this doctrine is proper.

So long as the religion of enmity predominates over the religion of amity, the current political superstition must hold its ground. While throughout Europe, the early culture of the ruling classes is one which every day of the week holds up for admiration those who in ancient times achieved the greatest feats in battle, and only on Sunday repeats the injunction to put up the sword—while these ruling classes are subject to a moral discipline consisting of six-sevenths pagan example and one-seventh Christian precept; there is no likelihood that there will arise such international relations as may make a decline in governmental power practicable, and a corresponding modification of political theory acceptable. While among ourselves the administration of colonial affairs is such that native tribes who retaliate on Englishmen by whom they have been injured, are punished, not on their own savage principle of life for life, but on the improved civilized principle of wholesale massacre in return for single murder, there is little chance that a political doctrine consistent only with unaggressive conduct will gain currency. While the creed men profess is so interpreted that one of them who at home addresses missionary meetings, seeks, when abroad, to foment a quarrel with an adjacent people whom he wishes to subjugate, and then receives public honours after his death, it is not likely that the relations of our society to other societies will become such that there can spread to any extent that doctrine of limited governmental functions which accompanies the diminished governmental authority proper to a peaceful state. A nation which, interested in ecclesiastical squabbles about the ceremonies of its humane cult, cares so little about the essence of that cult that filibustering in its colonies receives applause rather than reprobation, and is not denounced even by the priests of its religion of love, is a nation which must continue to suffer from internal aggres-

ons, alike of all individuals on one another and of the State on individuals. It is impossible to unite the blessings of equity at home with the commission of inequities abroad.

Of course there will arise the question—Why, then, enunciate and emphasize a theory at variance with the theory adapted to our present state?

Beyond the general reply that it is the duty of every one who regards a doctrine as true and important, to do what he can towards diffusing it, leaving the result to be what it may, there are several more special replies, each of which is sufficient.

In the first place an ideal, far in advance of practicability though it may be, is always needful for right guidance. If, amid all those compromises which the circumstances of the times necessitates, or are thought to necessitate, there exist no true conceptions of better and worse in social organizations—if nothing beyond the exigencies of the moment are attended to, and the proximately best is habitually identified with the ultimately best; there cannot be any true progress. However distant may be the goal, and however often intervening obstacles may necessitate deviation in our course towards it, it is obviously requisite to know whereabouts it lies.

Again, while something like the present degree of subjection of the individual to the State, and something like the current political theory adapted to it, may remain needful in presence of existing international relations; it is by no means needful that this subjection should be made greater and the adapted theory strengthened. In our days of active philanthropy, hosts of people eager to achieve benefits for their less fortunate fellows by what seem the shortest methods, are busily occupied in developing administrative arrangements of a kind proper to a lower type of society—are bringing about retrogression while aiming at progression. The normal difficulties in the way of advance are sufficiently great, and it is lamentable that they should be made greater. Hence, some-

thing well worth doing may be done, if philanthropists can be shown that they are in many cases insuring the future ill-being of men while eagerly pursuing their present well-being.

Chiefly, however, it is important to press on all the great truth, at present but little recognized, that a society's internal and external policies are so bound together, that there cannot be an essential improvement of the one without an essential improvement of the other. A higher standard of international justice must be habitually acted upon, before there can be conformity to a higher standard of justice in our national arrangements. The conviction that a dependence of this kind exists, could it be diffused among civilized peoples, would greatly check aggressive behaviour towards one another; and, by doing this, would diminish the coerciveness of their governmental systems while appropriately changing their political theories.

NOTE.

[*In some of the criticisms on this work, there has reappeared a mistaken inference several times before drawn, that the doctrine of evolution as applied to social affairs precludes philanthropic effort. How untrue this is, was shown by me in the* FORTNIGHTLY REVIEW *for February, 1875. Here I reproduce the essential part of that which was there said.*]

I am chiefly concerned, however, to repudiate the conclusion that the "private action of citizens" is needless or unimportant, because the course of social evolution is determined by the natures of citizens, as working under the conditions in which they are placed. To assert that each social change is thus determined, is to assert that all the egoistic and altruistic activities of citizens are factors of the change; and is tacitly to assert that in the absence of any of these

say political aspirations, or the promptings of philanthropy—the change will not be the same. So far from implying that the efforts of each man to achieve that which he thinks best, are unimportant, the doctrine implies that such efforts, severally resulting from the natures of the individuals, are indispensable forces. The correlative duty is thus emphasized in § 34 of *First Principles*:—

"It is not for nothing that he has in him these sympathies with some principles and repugnance to others. He, with all his capacities, and aspirations, and beliefs, is not an accident, but a product of the time. He must remember that while he is a descendant of the past, he is a parent of the future; and that his thoughts are as children born to him, which he may not carelessly let die. He, like every other man, may properly consider himself as one of the myriad agencies through whom works the Unknown Cause; and when the Unknown Cause produces in him a certain belief, he is thereby authorized to profess and act out that belief. For, to render in their highest sense the words of the poet,—

> ". . . Nature is made better by no mean,
> But nature makes that mean: over that art
> Which you say adds to nature, is an art
> That nature makes."

That there is no retreat from this view in the work Professor Cairnes criticizes, *The Study of Sociology*, is sufficiently shown by its closing paragraph:—

"Thus, admitting that for the fanatic some wild anticipation is needful as a stimulus, and recognizing the usefulness of this delusion as adapted to his particular nature and his particular function, the man of higher type must be content with greatly-moderated expectations, while he perseveres with undiminished efforts. He has to see how comparatively little can be done, and yet to find it worth while to do that little: so uniting philanthropic energy with philosophic calm."

I do not see how Professor Cairnes reconciles with such passages, his statement that "according to Mr. Spencer, the future of the human race may be safely trusted to the action of motives of a private and personal kind—to motives such

as operate in the production and distribution of wealth, or in the development of language." This statement is to the effect that I ignore the "action of motives" of a higher kind; whereas these are not only necessarily included by me in the totality of motives, but repeatedly insisted upon as all-essential. I am the more surprised at this misapprehension because, in the essay on "Specialized Administration," to which Professor Cairnes refers (see *Fortnightly Review*, for December, 1871), I have dwelt at considerable length on the altruistic sentiments and the resulting social activities, as not having been duly taken into account by Professor Huxley.

As Professor Cairnes indicates at the close of his first paper, the difficulty lies in recognizing human actions as, under one aspect, voluntary, and under another pre-determined. I have said elsewhere all I have to say on this point. Here I wish only to point out that the conclusion he draws from my premises is utterly different from the conclusion I draw. Entering this caveat, I must leave all further elucidations to come in due course.

THE END.

SUBJECT-INDEX
TO *SOCIAL STATICS* AND *MAN VERSUS STATE.*

(For this Index the Author is indebted to F. Howard Collins, Esq., of Edgbaston, Birmingham.)

Accidents: woman's sympathy, 50.
Acorn, growth, 87.
Acquisitiveness, instinct of, 48.
Acts of Parliament: ineffectual, 12, 13, 313–14; selfishness, 96; restrictive, 290; building, 210–12, 342–47; Palmerston's, 290–92; factory, 290–94, 309–10; Gladstone's, 292–93; belief in, 212, 377; artisans' dwellings, 346–47; public health, 350; (*see also* Artisans' Dwellings, Law).
Adaptation: relation to good, 28; a permanent tendency, 28–30; man not perfectly adapted, 31–32, 56; the aim of moral teaching, 35; pain from non-, 41; of conduct, 44; belief in equality, 47, and marriage, 78; and education, 88, 176–78, 356; and social surroundings, 100; and specialization, 122; retarded by poor laws, 148–49; and human suffering, 232–34; its slowness, 234–36; and race survival, 236–38; of citizens and government, 251–53; and heredity, 356; (*see also* Habit).
Admiralty: mismanagement, 133, 213, 350–51; and telegraph, 350.
Adulteration: effects, 264; appointment of analysts, 290.
Adultery, penalty, 399.
Æsthetics, and greatest happiness, 9–10.
Affection, and intellect, 15–17.
Afghan war, cost, 192.
Africa: suppression of slave-trade in, 11–12; and Colonial Office, 194, 195.
Agriculture, and education, 163–64.
Alexander VI., colonization, 189.
Allotments, rent of, 102.
America: man's equality, 47; declaration of independence, 194; slavery, 250, 262; railways and morality, 266; crime and poverty, 366.
Animals: adaptation of, 29–32; and Nature's warfare, 149; traits of society and, 267–73; continuance of species, 359–62; life of, 397–400.
Annelida, segmentation of, 269.
Appetite: importance of, 15–17; present, for food, 43; (*see also* Food).
Arafura customs, 392.
Araucanian customs, 391.
Arbitration, and national character, 115, 120.
Arch, J., on land, 325.
Architect, on industrial dwellings, 344–45.
Aristotle, on barbarians, 55.
Arnold, Matthew: on copyright, 387; on property, 388.
Artisans' Dwellings: Metropolitan Association for, 209; Buildings Acts, 210–11, 323–24; removal of, 263; and legislation, 294; at Liverpool, 306; and bad legislation, 342–47; in Glasgow, 347–48; and happiness, 409.
Ashantee customs, 391–92.
Assassination and tyranny, 261–62.
Astronomer Royal, stipend, 58.
Austin, J., on sovereignty, 380.
Australia, and Colonial Office, 195.
Austria, education in, 159, 166–67.
Author: rights of, 387; self-criticism, 80.
Authority: and love, 75–77; traits of belief, 241–45; and equity, 245–46.
Axioms: importance of definiteness, 7; geometric sense, 22–23.

Bagehot, W.: state and currency, 228.
Bakehouses, and legislation, 291.
Banking, (*see* Currency).
Barrister, and perfect law, 26.
Bath, the union at, and poor law, 304–5.
Battles, (*see* War).
Bavaria, marriage in, 11.
Bechuana, conduct and custom, 391.
Beerhouses, (*see* Licensing Acts).
Begging: effect of poor laws, 148; profitableness, 152.
Beliefs: truth of, 81; and causation, 355–56.
Beneficence: negative, 34; positive, 35; justice, 40, 51.

Bentham, J.: on moral sense, 17–19, 21; on rights, 54, 92–93, 388–90, 393; impostor terms, 389.
Berlin, suppression of immorality, 132.
Bibles, and slavery, 250.
Bismarck, Prince, and state socialism, 329.
Black Act of George I., 96.
Boards of Health: inefficiency, 212–14; and cholera, 213–14; (*see also* Sanitary Supervision).
Bolingbroke, Viscount, on parties, 283.
Book, property in ideas, 69–70.
Book-club, analogy, 381–82.
Botany, (*see* Plants).
Boundaries, and census, 349.
Brewing, (*see* Licensing Acts).
Brewster, Sir D., teaching of science, 130.
Bricks, effect of duty, 211.
Builder, The, on the brick duty, 211.
Building: educational analogy, 180; (*see also* Acts of Parliament, Artisans' Dwellings).
Burial, and state duty, 130.
Burke, on sympathy, 50.

Cab: hailing, 302.
Cairnes, J. E., and social future, 419–20.
Canada: cost of, 192; and Colonial Office, 194, 195.
Cancer, cause of, 268.
Capital, and dwellings, 209.
Carlyle, T., creed of, 377.
Cartouche, and Henry IV., 241.
Causation: and trespasses, 261–64; knowledge of, needful to legislators, 355–59.
Census: delay of returns, 349; boundaries, 349.
Ceylon: cost of colony, 192; and Colonial Office, 195.
Chalmers, T., political economy, 104.
Chamberlain, J., on rates, 368.
Character, and company, 81.
Charity, (*see* Poor laws).
Charles II., colonization, 189–90.
Cheltenham, drainage, 218.
Chemists, prescribing by, 204.
Children: rights, 80–90; and civilization, 81–84; aim of education, 83–84; anti-coercive treatment, 85–86, 86–87; need for education, 87–89; parental obstacle to education, 89–90; love of, 160; restrictive legislation, 290, 292, 293; and poor relief, 309; treatment of, 372; (*see also* Education).
China: connubial and filial relationship in, 82; education in, 159, 166.
Chippewayan customs, 392.
Cholera, and board of health, 213–14.
Cholesbury, poor law at, 326.
Church, and State, 141–43; (*see also* Religion).
Civilization: natural, 32; and status of women, 77, 81; and of children, 81, and democracy, 105–8; and impulsiveness, 151; course of, 233–36, 236–5[illegible]; and life of savage, 238; and individuality, 253–55, 259–61.
Classification: of nature, 256; man, 2[illegible], and intelligence, 286–87.
Climate, adaptation to, 29.
Cloth, restrictions to making, 129.
Clothing: and education, 157; and sanitary supervision, 201–2.
Coal, effects of price, 359.
Cobbett, W., maintenance from soil, 144.
Cobden Club and free trade, 362–63.
Coercion, and love, 75–77; (*see also* Militancy).
Coinage, fixing value of, 139; (*see also* Currency).
Coleridge, S. T.: on knaves, 174; theory of life, 255–56.
Cologne: castle of Archbishop of, 244.
Colonies: cost of English, 188; Colonial Office, 196.
Colonization, Government: 188–99; and first principle, 188–89; and acquisitiveness, 189–90; and commerce, 190–92, 192–93; and colonial interests, 194–96; and aborigines, 196–98; and by private individuals, 198–99.
Coming Slavery, The, 302–33.
Commerce, (*see* Industrialism, Trade).
Communism: and property, 65–67; (*see also* Socialism).
Competition: in drainage, paving, and lighting, 218–19; letter carrying, 229–31.
Comte, A., social statics and dynamics, 233.
Conduct: moral-sense doctrine, 15–2[illegible], 56–57; adaptation of, 44; and intellect, 174; and emotion, 175–76; dependence on law, 245–46; and instincts, 332–33; and custom, 391–92; and militancy, 394–95; sentiments and ideas, 412; (*see also* Ethics, Morals).
Conscription, and toryism, 281–86.
Conservatism, and education, 165–68.
Considerations, General, 233–73.
Constitutions, growth of, 114.
Contagious Diseases Act, 291–92.
Contract: and majority, 382–83; and co-operation, 401–5; individual and social life, 406–7; 407–11.
Convicts: and education, 170–76; (*see also* Crime).
Co-operation: compulsory and voluntary, 281–86; and organization, 329–30; majorities and minorities, 384–8[illegible], 406–7; and social life, 401; militancy and industrialism, 415.
Copyright: property in ideas, 68–72; Arnold on, 387.

Corn: price of, 104; laws, 336.
Corporations, conservative, 165–66.
Cotton: and general morality, 266; industry, 307, 402; effects of famine, 359.
Counter-practice, 203–4.
Covenants, Hobbes on, 379–80.
Credit, (*see* Currency).
Creeds, adverse, 416.
Crime: and education, 170–76; statistics of, 207–8; silent system of punishing, 212; and reverence for authority, 242; good convicts, bad men, 244; effects of, 261–64; and population, 355; and poverty, 365.
Cringing, and tyranny, 243.
Criticism, of author, 80.
Crustacean locomotion, 269.
Currency: 221–32; opinions on, 103; and poor laws, 153–55; State regulation, 221–24; State banking, 224–25; State coining, 225–27; and free trade, 227–28; good and bad money, 228 *n.*; universal currency, 228 *n.*; government, and value of, 246; and general immorality, 265.
Custom, and conduct, 391–93.
Czar: and Russian peasant, 134; (*see also* Russia).

Darwin, C., natural selection, 365.
Debt: and perfect law, 26; and justice, 53.
Democracy: and freedom, 105–8; and monarchy, 248–49.
Democratic Federation: views of, 319, 324, 326–27, 329–30, 331–32.
Desires: importance of, 16; moral sense, 19–21; and adaptation, 31; and social activity, 357–58.
Despotism, subversive to love, 75–77.
Discovery, and property in ideas, 68–72.
Disease: result of non-adaptation, 28; and sympathy, 49, 206–7; social effects, 150, 151; knowledge and conduct, 174; natural selection, 205–7; cholera and board of health, 213–15; small-pox, 212–13, 267, 291; cause, 267; social and individual, 273; and preventive legislation, 314; druggist's assistant, 337–38, 375; in Edinburgh, 351; (*see also* Health).
Dishonesty: property in ideas, 69; social result, 71.
Dissent, religious establishments, 142, 145.
Dissenters: and whig principles, 284; marriage of, 284.
Divine Right: meaning, 57; and of kings and majorities, 91, and of parliaments, 376–78.
Divinity, doth hedge a king, 410–11.
Dockyard mismanagement, 133.
Drainage: and officialism, 218, 351; (*see also* Sanitary Supervision).
Dress, State restrictions, 130.
Druggist, responsibility of, 337–38, 375.
Drunkenness: and adaptation, 29; injurious, 41, 44; knowledge and conduct, 174.
Dwellings, (*see* Artisans' Dwellings).
Dyak customs, 391.
Dyeing, State interference, 161, 289, 290.
Dynamics, the term social, 233.

Earth, The: rights to, 62–64, 65, 144, 393.
Ecclesiastical Commissioners, selfishness, 97.
Edinburgh, disease in, 351.
Education: and adaptation, 30, 356; bias of, 80; anti-coercion, 83, 85–86, 86–87; chief object of, 83–84; why needed, 87–89; parental obstacle to, 89–90; and State duty, 129–30, 132; national, 156–87, 295; and rights, 156–57; and parental responsibility, 157, 183–84; definition, 157; control in France, 158–59; reason for national, 158, 161; in France, Austria, China, 158–60, 166; parental feelings, 160–61; cheap, 163; interest and judgment of government, 164–65; progressive, 166; and slow progress of Nature, 169–70; and religion, 167; at Oxford, 167–68; at Eton, 168; scientific, at universities, 168; by State, conservative, 165–68; and crime, 170–76; free and improvidence, 176–78; by State, and State religion, 179–85; and evolution, 181–82; unphilosophical system of, 181–82; rewards and punishments, 183; State, and voluntary efforts, 185–87; result of pauper, 212; restrictive legislation, 292, 293; indirect effects, 309; payment by results, 310; gratis, and food, 313; examination and officialism, 315–16; reading, 317–18; for parliament, 372–73.
Edward I., equality of human rights, 46.
Edward III., regulation of commerce, 188.
Edward VI., and usury, 128.
Electricity, restrictive legislation, 293.
Elizabeth, Queen, and colonization, 189.
Emerson, R. W., principles and facts, 365 *n.*
Emigrants, treatment, 198.
Emotions: bias of, 80; and conduct, 175–76.
Enclosure laws, and selfishness, 96.
England; justification for war, 74; political, connubial, and filial relations in, 82; dishonesty in, 101; sport in, 102; colonies of, 188, 196; sanitation

in, 208-9; enterprise of English, 216-17; banking, 223-25; sympathy, 235-36, railways, 404.
Equal, and equity, 47.
Equality, of human rights, 47-49.
Equity: and equal, 47; opinions on, 54; and colonization, 193; and authority, 245-46; and law, 396.
Ethics: object of, 405-7, 408; (*see also* Morals).
Eton, education at, 168.
Evil: diminution of, 28-32; result of non-adaptation, 28-32.
Evolution: origin of idea, 122 *n.*; and education, 181-82; date of conception, 271 *n.*; and individuation, 272; natural selection, 365.
Examination, and belief in officialism, 315-16.
Exercise: agreeableness of, 8; and faculty, 88, 84.
Expediency: unguided, 11-14; philosophy, and social state, 91, 125-26.
Eyes: sympathy with diseased, 49; (*see also* Vision).

Factory Acts: restrictive, 290-94; indirect effects, 309-10.
Faculty: exercise of, 8, 38; and foresight, 48-49.
Fagging, Moberly on, 250.
Fainting, and sympathy, 50.
Fairman, Frank, on socialism, 333.
Family, benefits to mature and immature, 359-62.
Federation, possibility of, 120.
Feelings: bias of, 80; and opinion, 249-51.
Fetish, belief in, 347-48, 352.
Feudalism, cost of, 262-63.
Filmer, Sir Robert: man's liberty and equality, 46; denial of rights, 57.
Fires: extinction in Berlin, 208, and *n.*; selfishness at, 263.
First Principle: 55-59; its application, 60; derivation of, 36-45, 46-54; "First Principles," quoted, 419.
Fish, classification of, 286-87.
Fletcher, J., on crime and education, 172-73.
Flogging, sympathy at, 50.
Food: adaptation to, 29; present desire for, 43, and *n.*; Locke on property, 67; and poor laws, 153-54; and education, 157, 313; and sanitary supervision, 201; government and prices, 246; and legislation, 290, 291; law and price of, 339-40; individual life, 397-400; (*see also* Appetite).
Force: physical and moral, 116-17; persistence of, 215.
Forestalling, in England and France, 339.
Forrest, C., on artisans' dwellings, 345-46.
Fox, Sir Charles, on government offices, 348-49.
France: selfishness in, 95; trade restrictions, 128-29; Guizot on, 133-34; officialism in, 133-35, 139; the right to labour, 144-45; State control of schools, 158-59; sanitation in, 208-9; English enterprise, 216-17; vine culture, 227; and social dissolution, 247; views of revolutionists, 287; railways, 311, 404; official rank in, 316; trade unions in, 317; revolution and land, 325; freedom in, 331; forestalling in, 339; cause of revolution, 410.
Freedom: man's claim to, 36-40, 56; fundamental, 40, 41, 53; individual, 40-42; separation of injurious from beneficial acts, 42-44; requisite to normal life, 45; law of equal, the first principle, 55; not recognized by all, 55-57; absurdity of denying it, 57-58; and socialism, 65-67; political rights, 92-93; and majorities, 94; and democracy, 105; duty of State to defend, 117-20; assertion of, 119-20; and limit of State duty, 123; and regulation of commerce, 137-40; and education, 183-84; and present imperfection, 220; and authority, 245; and power-worship, 246-48; and individuality, 255-59; penalities of breaking law, 261-64; extended by whig principles, 284; surrender and slavery, 296-99; and militancy, 394-95; Austin on, 383-84.
Free trade: and medicine, 203-7; and currency, 227-28; Cobden Club on, 362-63; and protection, 369-71.
Friends, Society of, (*see* Quakers).
Fruit, State restrictions to eating, 131.
Function, specialization of, 121.

Garden: impatience of children, 169.
Gas: French and English enterprise, 216-17; municipal and private enterprise, 218-20; legislative restrictions, 290.
General Considerations, 233-73.
Generosity, continuance of species, 359-62.
Geology: slow changes of, 169-70; uniformitarianism, 377.
Geometry: "geometric sense," 22-24; moral analogy, 26.
George, H., and land nationalization, 319.
George III., national education, 132.
Germany: trade restrictions, 129; suppression of immorality, 132; sanitation in, 208; English enterprise, 216-17; former morality, 244; Natur-recht and jurisprudence, 387.
Gibraltar, fortification of, 192.
Gladstone, W. E.: restrictive legislation, 292-93, address to, 353.

Thus by survival of the fittest, the militant type of society becomes characterized by profound confidence in the governing power, joined with a loyalty causing submission to it in all matters whatever. And there must tend to be established among those who speculate about political affairs in a militant society, a theory giving form to the needful ideas and feelings; accompanied by assertions that the law-giver if not divine in nature is divinely directed, and that unlimited obedience to him is divinely ordered.

Change in the ideas and feelings which thus become characteristic of the militant form of organization, can take place only where circumstances favour development of the industrial form of organization. Being carried on by voluntary co-operation instead of by compulsory co-operation, industrial life as we know it, habituates men to independent activities, leads them to enforce their own claims while respecting the claims of others, strengthens the consciousness of personal rights, and prompts them to resist excesses of governmental control. But since the circumstances which render war less frequent arise but slowly, and since the modifications of nature caused by the transition from a life predominantly militant to a life predominantly industrial can therefore go on but slowly, it happens that the old sentiments and ideas give place to new ones, by small degrees only. And there are several reasons why the transition not only is, but ought to be, gradual. Here are some of them.

In the primitive man and in man but little civilized, there does not exist the nature required for extensive voluntary co-operations. Efforts willingly united with those of others for a common advantage, imply, if the undertaking is large, a perseverance he does not possess. Moreover, where the benefits to be achieved are distant and unfamiliar, as are many for which men now-a-days combine, there needs a strength of constructive imagination not to be found in the minds of the uncivilized. And yet again, great combinations

Lyttelton, Lord, address to W. E. Gladstone, 353.

Macaulay, T. B., on education, 170.
Macintosh, Sir J., growth of constitutions, 115.
Macconochie, Capt. A., on crime, 244.
M'Culloch, J. R., on colonies and trade, 193.
Madagascar, customs in, 391.
Madam, used by children, 82.
Mails, (*see* Postal Arrangements).
Maintenance, what is? 144.
Maintenon, Madame de, on etiquette, 262.
Majorities: on right of, 91, 381-87, 406-7; omnipotent, 93-94.
Malta, fortification of, 192.
Manumals, vision, 268-69.
Man: knowledge of, and of society, 14; morality treats of the straight, 25-27; adaptation in, 29-30, 31, 56; society needful to happiness of, 33-35; claim to freedom of action, 36-40, 56; self-control of, 86; life and individuality, 253, 259-60; the perfect, 260, 261.
Manchester gymnasia, 307.
Manslaughter, by druggist's assistant, 337-38.
Manufacture, and organization, 121.
Marine insurance, and State aid, 232.
Marlborough, Duke of, allotments, 102 *n.*
Marriage: effect of checking, in Bavaria, 11; love and coercion, 75-77; prospect, 77-79; growth of democracy, 82; free education and improvidence, 176-78; of dissenters, 284; social analogy, 328; price of corn, 355.
Martineau, Harriet, crime and education, 171.
Mask, fear of, 354.
Mathematics: "geometric sense," 22; and moral analogy, 26; of Bushman, 56; angle of man falling, 60; and reflective powers, 86.
May, Sir Erskine, on corn laws, 336.
Mechanics: "mechanical sense," 23; property in ideas, 68-72; angle of man falling, 60; social analogy, 114.
Medicine: and sanitary supervision, 201, 202-3; (*see also* Disease, Health).
Members of Parliament, demeanour to, 354; (*see also* Parliament).
Memory, and rote-learning, 182.
Mendicancy profitable, 152.
Merchant Seamen's Fund, mismanagement of, 133.
Merchant Shipping Acts, 293, 310-11.
Mercy, "quality of," 146.
Merits, test of relative, 58.
Militancy: and toryism, 281-86, 300; effect of, 284; and power of chief, 334; subordination of, 394-95; and co-operation, 401-5; present stage transitional, 415-17; transition, gradual, 414-15; (*see also* Industrialism, War).
Milk, adulteration, 162.
Mill, J. S.: on money, 103; on government and education, 161; social statics and dynamics, 233.
Mind: activity and greatest happiness, 9; male and female ability, 73; (*see also* Education, Intellect).
Mining: crime and education, 172; English enterprise, 216-17; Factory Acts, 291.
Minorities, (*see* Majorities).
Mints, State and private, 225-26.
Miracles, and colonization, 191.
Miser, instinct of, 19.
Misery: and sympathy, 50; and poor laws, 146-49; of deserving and undeserving, 302-3; and struggle for existence, 365-69.
Moberly, Dr. G., on fagging, 250.
Model dwellings, (*see* Artisans' Dwellings).
Monarchy: selfishness, 95; and democracy, 248; opinions of, 282; and liberalism, 298; and republics, 312.
Money, (*see* Currency).
Monopoly, property in ideas, 70.
Monuments, and greatness, 58.
Moorsom fuse, publication of, 350.
Morals: doctrine of moral sense, 15-23; intuitive moral sense, 17-19; the term moral sense, 19-21; axioms, 21-24; what is? 25-27; deals with perfect man, 25-27, 45; freedom essential to happiness, 36-45; Adam Smith's theory, 49; law of perfect man, 62, 77; law and national character, 114-16; physical and moral force, 116-17; conduct of perfect men, 119; and currency, 221-24; and intellect, 249-51; and individuation, 255-60; conformity to law, 261-65; and trade, 265-67; objects of ethics, 405-7, 408.
Morley, S., and education, 179.
Munich, illegitimacy in, 11.
Murder: punishment of, 394, 399; war and retaliation, 416-17.
Myriapoda: segmentation and locomotion, 269.

Napoleon I.: cost of ambition, 335.
National education, (*see* Education).
Natural rights, (*see* Rights).
Natural Selection: and disease, 205-7; and sympathy, 206-7; social, 238-41, 365.
Nature: warfare of, 149; slow changes in, 169-70; interference with, 359.
Navigation: restrictions on, 290-91; (*see also* Marine Insurance, Merchant Shipping Acts).

have at present but partially emerged from the militant *régime* and have but partially entered on that industrial *régime* to which this doctrine is proper.

So long as the religion of enmity predominates over the religion of amity, the current political superstition must hold its ground. While throughout Europe, the early culture of the ruling classes is one which every day of the week holds up for admiration those who in ancient times achieved the greatest feats in battle, and only on Sunday repeats the injunction to put up the sword—while these ruling classes are subject to a moral discipline consisting of six-sevenths pagan example and one-seventh Christian precept; there is no likelihood that there will arise such international relations as may make a decline in governmental power practicable, and a corresponding modification of political theory acceptable. While among ourselves the administration of colonial affairs is such that native tribes who retaliate on Englishmen by whom they have been injured, are punished, not on their own savage principle of life for life, but on the improved civilized principle of wholesale massacre in return for single murder, there is little chance that a political doctrine consistent only with unaggressive conduct will gain currency. While the creed men profess is so interpreted that one of them who at home addresses missionary meetings, seeks, when abroad, to foment a quarrel with an adjacent people whom he wishes to subjugate, and then receives public honours after his death, it is not likely that the relations of our society to other societies will become such that there can spread to any extent that doctrine of limited governmental functions which accompanies the diminished governmental authority proper to a peaceful state. A nation which, interested in ecclesiastical squabbles about the ceremonies of its humane cult, cares so little about the essence of that cult that filibustering in its colonies receives applause rather than reprobation, and is not denounced even by the priests of its religion of love, is a nation which must continue to suffer from internal aggres-

sions, alike of all individuals on one another and of the State on individuals. It is impossible to unite the blessings of equity at home with the commission of inequities abroad.

Of course there will arise the question—Why, then, enunciate and emphasize a theory at variance with the theory adapted to our present state?

Beyond the general reply that it is the duty of every one who regards a doctrine as true and important, to do what he can towards diffusing it, leaving the result to be what it may, there are several more special replies, each of which is sufficient.

In the first place an ideal, far in advance of practicability though it may be, is always needful for right guidance. If, amid all those compromises which the circumstances of the times necessitates, or are thought to necessitate, there exist no true conceptions of better and worse in social organizations—if nothing beyond the exigencies of the moment are attended to, and the proximately best is habitually identified with the ultimately best; there cannot be any true progress. However distant may be the goal, and however often intervening obstacles may necessitate deviation in our course towards it, it is obviously requisite to know whereabouts it lies.

Again, while something like the present degree of subjection of the individual to the State, and something like the current political theory adapted to it, may remain needful in presence of existing international relations; it is by no means needful that this subjection should be made greater and the adapted theory strengthened. In our days of active philanthropy, hosts of people eager to achieve benefits for their less fortunate fellows by what seem the shortest methods, are busily occupied in developing administrative arrangements of a kind proper to a lower type of society—are bringing about retrogression while aiming at progression. The normal difficulties in the way of advance are sufficiently great, and it is lamentable that they should be made greater. Hence, some-

range of their power." Is there really an escape here? or may this opening be effectually closed?

The essential question raised is the truth of the utilitarian theory as commonly held; and the answer here to be given is that, as commonly held, it is not true. Alike by the statements of utilitarian moralists, and by the acts of politicians knowingly or unknowingly following their lead, it is implied that utility is to be directly determined by simple inspection of the immediate facts and estimation of probable results. Whereas, utilitarianism as rightly understood, implies guidance by the general conclusions which analysis of experience yields. "Good and bad results cannot be accidental, but must be necessary consequences of the constitution of things;" and it is "the business of Moral Science to deduce, from the laws of life and the conditions of existence, what kinds of action necessarily tend to produce happiness, and what kinds to produce unhappiness." * Current utilitarian speculation, like current practical politics, shows inadequate consciousness of natural causation. The habitual thought is that, in the absence of some obvious impediment, things can be done this way or that way; and no question is put whether there is either agreement or conflict with the normal working of things.

The foregoing discussions have, I think, shown that the dictates of utility, and, consequently, the proper actions of governments, are not to be settled by inspection of facts on the surface, and acceptance of their *primâ facie* meanings; but are to be settled by reference to, and deductions from, fundamental facts. The fundamental facts to which all rational judgments of utility must go back, are the facts that life consists in, and is maintained by, certain activities; and that among men in a society, these activities, necessarily becoming mutually limited, are to be carried on by each within the limits thence arising, and not carried on beyond

* *Data of Ethics*, § 21. See also §§ 56–62.

Veddahs, rights among, 398.
Ventilation: tax on, 211 *n.*; and sanitary supervision, 203.
Vertebrata: vision, 268–69; number of vertebræ, 269; locomotion, 269–70.
Vignoles, C. B., on railways, 404 *n.*
Vision: adaptation of, 29, 32; of insects and vertebrata, 268–69; development of, 286.
Votes, desire in politics for, 318–19.

Wages: effect of law on, 12, 138, 246, 294; payment of, 264; poor law and "make-wages," 305; effect of poor law, 306–8.
Wakley, Mr., on counter-practice, 204.
Water-works, first in London, 217.
War: "just cause for," 74; and defensive duty of the State, 117–20; Nature's, 149; cost of English, 192; and emigration, 198; authority of chief, 334; of lower creatures, 363; Boer, 366–67; genesis of society, 373–75; and sovereignty, 378–81; and will of majority, 385; and subordination, 394–95, 413–14; and retaliation, 416–17; (*see also* Militancy).
Wealth: and property in ideas, 70; and moral worth, 97–99; and colonization, 190.
Weavers' wages, 12.
Whig, (*see* Liberalism).
Wife, (*see* Women).
Window Tax, effect, 211 *n.*, 344.
Windsor Castle, built by impressed labour, 101.
Wolf and lamb fable, 74.
Women: rights of, 73–79; ability, 73; love and coercion, 75–77; and civilization, 77, 81, 82–84; prospect of rights, 77–79; political position, 79; bargains of, 102 and *n.*; restrictive legislation, 291, 293; property of married, 396.
Wool, industry, 402.
Work: and freedom, 41; and law of nature, 303; (*see also* Industrialism, Labour, Trade).
Working men, moral worth, 97.

Yorkshire industries, 402.

LIBRARY OF THE UNIVERSITY OF CALIFORNIA

RETURN TO ➡ CIRCULATION DEPARTMENT
202 Main Library

LOAN PERIOD 1 HOME USE	2	3
4	5	6

ALL BOOKS MAY BE RECALLED AFTER 7 DA
1-month loans may be renewed by calling 642-3
6-month loans may be recharged by bringing books to Cir
Renewals and recharges may be made 4 days prior to

DUE AS STAMPED BELOW

DEC 22 1976

REC. CIR. DEC 1 '76

OCT 25 1996
RECEIVED
SEP 26 1996
CIRCULATION DEPT

DEC 23 1981

REC. CIR. JUL 23 1981

APR 5 1983 1

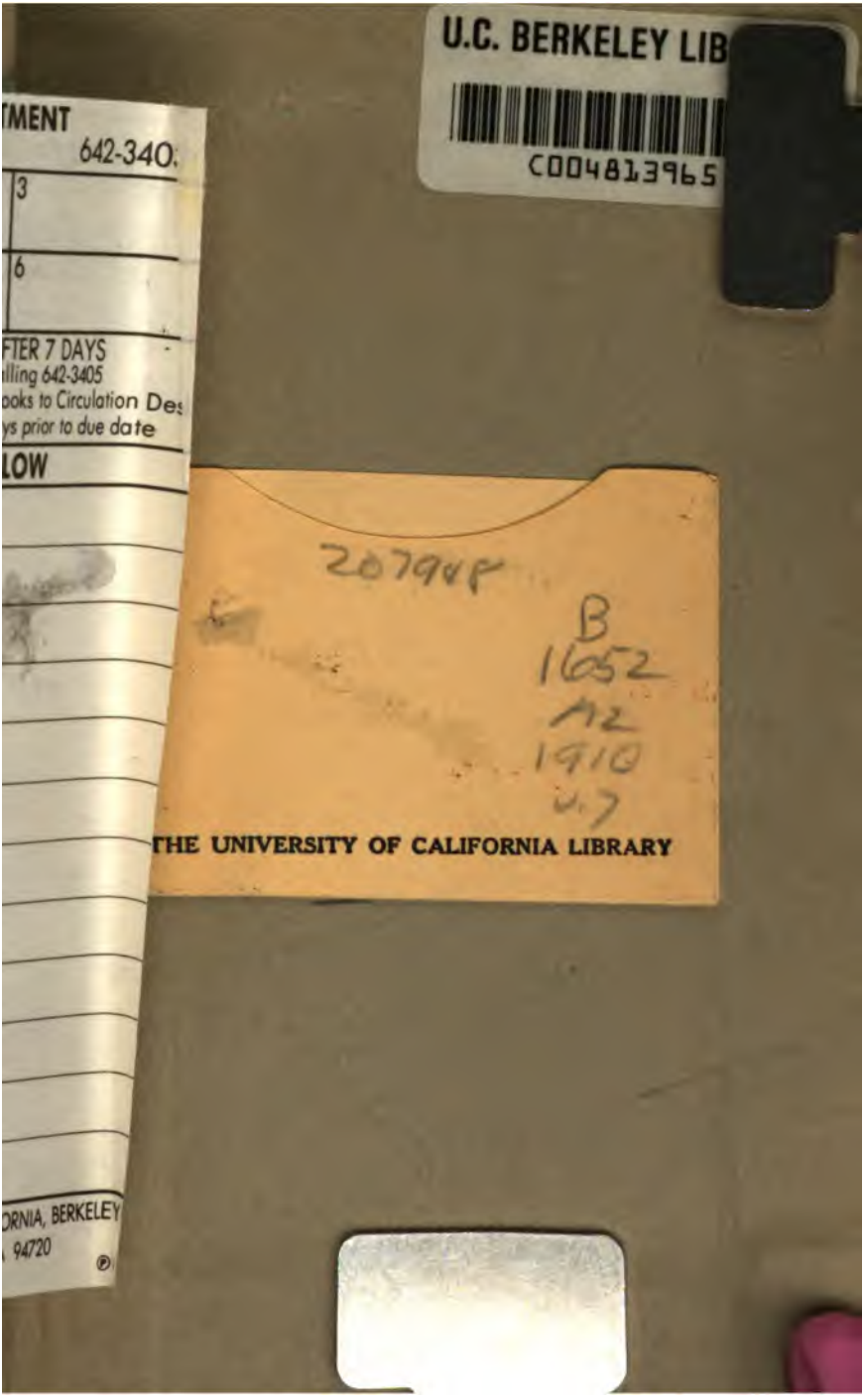
rec'd circ. MAR 18 1983

JAN 07 1988

DEC 17 1987

FORM NO. DD 6, 40m, 6'76

UNIVERSITY OF CALIFORNIA,
BERKELEY, CA 94720


U.C. BERKELEY LIB
C00481396 5
TMENT
642-340
3
6
FTER 7 DAYS
lling 642-3405
ooks to Circulation Des
ys prior to due date
LOW
20794F
B
1652
M2
1910
v.7
THE UNIVERSITY OF CALIFORNIA LIBRARY
ORNIA, BERKELEY
94720